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The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 23 November 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 15 November 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

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Annex to the identical letters dated 23 November 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 15 November 2009

Air violations

On 4 November 2009:

- Between 0710 and 1515 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea off Naqurah. It circled over Beirut, its suburbs and the South before leaving over Naqurah;
- Between 0710 and 2115 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Rumaysh.

On 5 November 2009, between 0615 and 1520 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Naqurah.

On 6 November 2009:

- At 1018 hours, six Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and proceeding north. They circled over the entire South before each leaving above Alma al-Sha'b, four of them at 1115 hours and two of them at 1145 hours;
- Between 0920 and 2115 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b and proceeding north. It circled over the South before leaving over Naqurah.

On 7 November 2009, between 0600 and 1810 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving over Naqurah.

On 8 November 2009:

- Between 0700 and 1505 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and proceeding north. It circled over the South before leaving over Rumaysh;
- Between 0855 and 2130 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa, proceeding north as far as Nabatiyah. It circled over the South before leaving over Naqurah.

On 9 November 2009, between 0820 and 1905 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving over Naqurah.

On 10 November 2009:

- Between 1000 hours and 1515 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South and the Western Bekaa before leaving over Alma al-Sha'b;
- Between 1100 and 2115 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving over Rumaysh.

On 11 November 2009:

- Between 0600 hours and 1540 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and proceeding north as far as Nabatiyah. It circled over the South before leaving over Naqurah;
- Between 0720 hours and 2120 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and proceeding north as far as the Bekaa. It circled over Riyaq, Baalbek and the South before leaving over Naqurah;
- Between 1107 hours and 1205 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Tyre and proceeding towards Beirut. They circled over the entire South before leaving over Naqurah.

On 12 November 2009:

- Between 0935 hours and 0945 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Damur and proceeding as far as the Shuf. They then returned towards the South and left over Alma al-Sha'b;
- Between 0952 hours and 1130 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun, proceeding north and circling over the entire South before leaving over Alma al-Sha'b.

On 14 November 2009, between 1535 and 1800 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa and proceeding north as far as Jazzin. It circled over the South before leaving over Naqurah.

On 15 November 2009, between 0705 and 1520 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and proceeding north as far as Jazzin. It circled over the South before leaving over Alma al-Sha'b.

Sea violations

On 8 November 2009, at 2320 hours, an Israeli enemy gunboat shone a searchlight into Lebanese territorial waters at buoy No. 2 for a period of ten seconds.

On 10 November 2009, at 1840 hours, an Israeli enemy gunboat shone a searchlight 200 metres into Lebanese territorial waters at buoy No. 3 for a period of five seconds.

On 12 November 2009, at 0430 hours, an Israeli enemy gunboat directed a searchlight from Ra's Naqurah 200 metres into Lebanese territorial waters at buoy No. 3 for a period of ten seconds.

On 14 November 2009, at 1840 hours, an Israeli enemy gunboat shone a searchlight 1,000 metres into Lebanese territorial waters at buoy No. 3 for a period of four seconds.

Land violations

On 3 November 2009, at 1445 hours, an Israeli patrol comprising a Toyota Land Cruiser came into view and stopped opposite the Fatimah Gate. The patrol members proceeded to photograph the area and the Lebanese army post, the guards and the Spanish patrol standing in front of the Gate, following which it left the scene.

On 4 November 2009, at 1000 hours, approximately 400 metres south of the Fatimah Gate in Kafr Killa, opposite the Lebanese army checkpoint, a member of an Israeli enemy patrol made a vulgar gesture at the checkpoint personnel.

On 8 November 2009:

- At 1910 hours, opposite Kafr Killa in the area of the Udaysah junction, an Israeli enemy patrol comprising three vehicles pointed a searchlight at a temporary roadblock and directed obscenities in Arabic at the roadblock personnel;
- At 2055 hours, at the technical fence on the side of the Occupied Territories, opposite the temporary Lebanese army roadblock at the Kafr Killa-Udaysah junction, the members of an Israeli enemy patrol comprising three high-mobility multipurpose wheeled vehicles (Humvees) and a Toyota Land Cruiser directed a searchlight at the roadblock personnel while shouting loudly in Hebrew. The patrol then left at 2108 hours.

On 15 November 2009, at 0015 hours from its position in the Zarit barracks, the Israeli enemy proceeded to shine a searchlight on the Lebanese army roadblock in Tarbikha for a period of seven seconds. It then repeated the exercise at 0430 hours for a period of 10 seconds.

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Belgium, Bulgaria, Canada, Cyprus, Denmark, France, Germany, Greece, Italy, Liberia, Luxembourg, Marshall Islands, Moldova, the Netherlands, Norway, Panama, Portugal, Republic of Korea, Romania, Russian Federation, Seychelles, Singapore, Somalia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), and 1851 (2008),

Continuing to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law and the extended range of the piracy threat into the western Indian Ocean,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the limited capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol or secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letters of 2 and 6 November 2009 from the Permanent Representative of Somalia to the United Nations expressing the appreciation of the TFG to the Security Council for its assistance, expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting

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that the provisions of resolutions 1846 (2008) and 1851 (2008) be renewed for an additional twelve months,

Commending the efforts of the EU operation Atalanta, which the European Union is committed to extending until December 2010, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces' Combined Task Force 151, and other States acting in a national capacity in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, and in some cases has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation, and *stressing* the need for States to criminalize piracy under their domestic law and to favourably consider the prosecution, in appropriate cases, of suspected pirates, consistent with applicable international law,

Commending the Republic of Kenya's efforts to prosecute suspected pirates in its national courts, and *noting* with appreciation the assistance being provided by the United Nations Office of Drugs and Crime (UNODC) and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia ("CGPCS"), to support Kenya, Somalia and other States in the region, including Seychelles and Yemen, to take steps to prosecute or incarcerate in a third state after prosecution elsewhere captured pirates consistent with applicable international human rights law,

Noting the ongoing efforts within the CGPCS to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia,

Further noting with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities, to incarcerate convicted pirates consistent with applicable international human rights law,

Welcoming the adoption of the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and the establishment of the International Maritime Organization (IMO) Djibouti Code Trust Fund (Multi-donor trust fund- Japan initiated), as well as the International Trust Fund Supporting Initiatives of the CGPCS, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further emphasizing that Somalia's long-term security rests with the effective development by the TFG of the National Security Force and Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;

2. *Notes again its concern* regarding the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia (S/2008/769, page 55) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, and calls upon all States to fully cooperate with the Monitoring Group on Somalia;

3. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

4. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and the TFG and *urges* States and international organizations to continue to support these efforts;

5. *Acknowledges* Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, and *calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the CGPCS;

6. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the exercise of third state jurisdiction by shipriders in Somali territorial waters and that

such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

7. *Encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in the fight against piracy and armed robbery at sea, and *decides* that for a period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008) granted to States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General;

8. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been renewed only following the receipt of the 2 and 6 November 2009 letters conveying the consent of the TFG;

9. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 7 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraphs 5 above which have *been exempted* from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

10. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

11. *Calls on* Member States to assist Somalia, at the request of the TFG and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

12. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

13. *Commends* in this context the decision by the CGPCS to establish an International Trust Fund to support its initiatives and *encourages* donors to contribute to it;

14. *Urges* States parties to the Convention and the SUA Convention to fully implement their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

15. *Welcomes* the revisions by the IMO to its recommendations and guidance on preventing and suppressing piracy and armed robbery against ships, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity,

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

18. *Requests* the Secretary-General of the IMO to brief the Security Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 7 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.

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Security Council

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3 December 2009

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Letter dated 3 December 2009 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council

I have the honour to address you to transmit the annexed note dated 23 November 2009, from the Minister of People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela, Mr. Nicolas Maduro Moros (see annex), in which he requests that the Security Council, over which you preside, include the Colombian armed conflict in its agenda, given that it constitutes a serious threat to international peace and security.

I would greatly appreciate it if the above-mentioned note were distributed as a document of the Security Council.

(*Signed*) Jorge **Valero**
Ambassador
Permanent Representative

09-63349 (E) 111209

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Annex to the letter dated 3 December 2009 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council

[Original: Spanish]

I have the honour to address you on behalf of the Government of the Bolivarian Republic of Venezuela, in order to communicate, for due consideration by the Members of the Security Council, my Government's serious concern regarding Colombia's armed conflict. It is, in my opinion, a serious threat to international peace and security and I request that this issue be included in the agenda of the Security Council.

The Venezuelan Government and people clearly support peace and international legality. Venezuela's commitment to peace and solidarity is founded on adherence to the rules and principles of public international law as set forth in the Charter of the United Nations and other relevant international legal instruments.

Venezuela has repeatedly expressed concern about the impact of the armed conflict in Colombia on peace and stability in the region. This climate of confrontation in Colombia has been exacerbated by the authorities' pursuit of a policy that favours military force as a means of resolving the situation of armed violence between sectors of society that has been going on for several decades and that stems from the deep economic and social inequalities that still exist.

The Government of President Hugo Chávez Frías has repeatedly stated that the parties involved in the armed conflict in Colombia must negotiate a peaceful political solution to the conflict. At Colombia's request, Venezuela participated, as a facilitator, in the process that led to the release, last year, of Colombian citizens who had been held by the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo. That facilitation undertaken by President Hugo Chávez Frías was recognized by the Movement of Non-Aligned Countries in a special statement at the Ministerial Meeting on Human Rights and Cultural Diversity held in Tehran, Islamic Republic of Iran, in September 2007.

The intensification of hostilities between the Colombian armed forces and irregular armed groups in that country has had a negative impact on neighbouring countries, resulting in paramilitarism, drug trafficking and other crimes such as kidnappings and paid assassinations. Venezuela has been troubled for years at seeing how our sister nation has been affected by an armed conflict characterized by human rights violations and the inability of successive governments to exercise authority over part of the territory which is in the hands of irregular groups. This has resulted in countless incidents on the border between the two countries due to the inability of the Colombian Government to fulfil its duty of protecting citizens living there and of exercising control over its territory.

Like Colombia's other neighbours, Venezuela has been a victim of the Colombian conflict, which in recent years has worsened as a result of the war policy pursued by the Government of President Álvaro Uribe Vélez which, far from bringing peace to the territory, has openly violated the rules of international law and international humanitarian law.

It should be noted that there have been systematic, flagrant and widespread violations of the applicable international law and of human rights in the ongoing

armed conflict in Colombia. These violations are far worse than those occurring in the armed conflicts in other Members States of the United Nations that are on the agenda of the Security Council.

According to the report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643, para. 6) the global population of persons internally displaced by conflict was estimated at 24.5 million for 2007.

It was striking that, with a total of 2,100,000 internally displaced persons, Colombia had more displaced persons than Somalia, the Central African Republic, Chad and Afghanistan which, together, accounted for 1,714,000 such persons (see annex 1), and was surpassed only by Iraq and the Sudan/Darfur in 2007.

According to paragraph 14 of the report of the Secretary-General on children and armed conflict in Colombia (S/2009/434), the Secretary-General's Representative on the human rights of internally displaced persons had "**indicated that the situation in Colombia is one of the most serious, with the country having the second largest population of internally displaced persons in the world**. According to the Presidential Senior Adviser for Social Action of Colombia, from 1997 to December 2008, 2,935,832 persons were internally displaced, more than 1 million of them children".

Moreover, production and marketing of illicit drugs in Colombia had increased dramatically in recent years, so much so that it had become a clear threat to security and stability in the region. As noted in paragraph 4 of that same report, "60 per cent of global cocaine production originates in Colombia".

Drug trafficking has penetrated deep into the heart of the Colombian State and the extent of the political ties and influence wielded by the cartels in Colombia is unimaginable. Indeed, as noted in paragraph 3 of the report "*almost 50 years of continuous conflict and the existence of powerful drug cartels represent a considerable challenge to governance and the respect of human rights. There has been an acute impact on the security of the population and the overall humanitarian situation*".

The Attorney-General's Office had been conducting an investigation that casts doubt on the legitimacy of Colombia's Congress because of the increasing number of members of Congress with direct ties to paramilitary groups and drug trafficking. In 2005, on the eve of the parliamentary elections of 2006, it was reported that close friends of the paramilitary groups were on the lists of parties supporting President Uribe. Once the new Congress had taken office, Salvatore Mancuso — one of the most powerful paramilitary leaders, who had been demobilized — stated that some 35 per cent of members of Congress "were friends" of his criminal organization.

The then director of the Administrative Department of Security (DAS), Jorge Noguera, was accused of having put DAS in the service of the paramilitary groups. He had been campaign chief, in Magdalena, of the now President Álvaro Uribe but had been forced to resign when the incriminating information came to light. He was then appointed Consul, in Milan, but the accusations continued. He returned to Bogotá and was arrested, in February 2007, and charged with conspiracy, collaborating with — and providing information to — paramilitary groups. Since the latter have infiltrated the Colombian political system Colombian institutions are experiencing a profound crisis of legitimacy.

By contrast with what is happening in Colombia, Venezuela's achievement in the fight against drug trafficking has been internationally acknowledged. Venezuela is cooperating with 37 countries, among them France, Spain and Portugal, in the fight against drugs and its success has been acknowledged by the Organization of American Sates (OAS), and the International Criminal Police Organization (INTERPOL). According to the 2009 report of the United Nations Office on Drugs and Crime (UNODC), Venezuela is the country with the second highest number of drug confiscations in South America, having increased its confiscations of cocaine by 35 per cent. As everyone knows, Colombia is the world's largest producer of cocaine; moreover, military and political bodies in Colombia also benefit from the cocaine trade.

Between January and September 2009, the Venezuelan Government arrested 4,490 individuals for crimes relating to drug trafficking. Of these, 4,219 were Venezuelan citizens and 271 were foreign nationals. Given the extensive cooperation between Venezuela and other countries involved in the fight against drugs, 20 of these foreigners have been extradited as of 13 August; 10 of them were Colombians.

By contrast, the effectiveness of Plan Colombia in the fight against drugs has been sharply questioned. The United States Government Accountability Office noted that "**Plan Colombia's goal of reducing the cultivation, processing, and distribution of illegal narcotics by reducing coca cultivation has not been achieved**". In fact, not only has the level of coca cultivation and cocaine production not decreased; it has increased.

On 19 November 2009, in an act of desperation, Colombia accused Venezuela of blowing up what it claimed were two footbridges over the border. Our Government rejects these allegations as groundless; in fact, Venezuela destroyed illegal walkways that were being used, essentially, for drug trafficking, smuggling (primarily fuel) and other illegal activities. They were not bridges belonging to the two nations, nor had the two countries authorized their construction and they were destroyed on the Venezuelan side, without violating Colombian territory.

This type of action is common to the strategy used by all countries to counter drug trafficking. Only Governments that are unable to exercise their authority over part of their territory and that have been co-opted by drug traffickers can publicly criticize the legitimate actions taken by others in full compliance with their State responsibilities, against illicit activities on their borders.

With these false accusations, the Government of Colombia is trying to conceal and decontextualize the real facts regarding the installation of US military bases in its territory. The strategy of disinformation and fear-mongering is aimed at diverting attention away from the real problem, which is that the Government of President Álvaro Uribe is simply handing over its State responsibilities to the United States, making Colombia an operational base for the US regional strategy to dominate and control the countries of South America.

The Governments of these countries have — for the first time ever — expressed their concern at the signing of a bilateral military agreement. At the Union of South American Nations (UNASUR) summit in Bariloche, on 28 August 2009, the Heads of State or Government stated, referring to the agreement between Colombia and the United States, that the presence of foreign military forces with

their means and resources tied to favourable objectives, may not threaten the sovereignty and integrity of any South American nation and, consequently, peace and security in the region.

Venezuela wishes to point out that international humanitarian law and human rights law establish that children affected by armed conflict have a right to be treated with particular respect and to be cared for and protected, including from all forms of sexual violence and exploitation. According to the Rome Statute and the International Criminal Court, rape and other forms of sexual violence, when committed as part of widespread or systematic attacks on the population, are also war crimes or crimes against humanity.

The Security Council notes, in paragraph 3 of resolution 1894 (2009), "*that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps*".

The resolution emphasises the Council's readiness to consider existing situations and, where necessary, to adopt appropriate steps but does not specify that they must be characterized as armed conflict in the light of the 1949 Geneva Conventions and the Additional Protocols thereto, which is tantamount to saying that the Security Council should address the grave situation represented by the armed conflict that has been going on in Colombia for close to 50 years and its repercussions on regional security and international peace and security.

We can find evidence of the grave humanitarian crisis in Colombia resulting from its armed conflict by looking at official United Nations documents such as:

1. **Children and armed conflict: Report of the Secretary-General (A/63/785-S/2009/158)** (*underlining added*)

This report was submitted by the Secretary-General pursuant to Security Council presidential Statement S/PRST/2008/6, by which the Council requested the Secretary-General to submit a report on the implementation of its resolutions 1612 (2005), 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004). (*Underlining added*)

> **Paragraph 114.** *"The United Nations received credible information regarding the use of children by some members of the security forces for intelligence purposes despite Government policy to the contrary. Three directives have been issued by the Ministry of Defence prohibiting this practice, in accordance with the national law on childhood and adolescence. It was reported in February 2008 that a 12-year-old boy was used by the police as an informant in Valle del Cauca department. As a consequence, the boy received death threats by FARC-EP and was later killed in December 2008. Also in February, it was reported that members of the army and national police solicited information from children in rural communities in Carmen de Atrato and Quibdo, in Choco department, on the locations of guerrilla groups and the identities of their members."*

Paragraph 16. *"Credible information on cases of extrajudicial executions of children was gathered by the United Nations. In January 2008, a 17-year-old boy disappeared from Soacha municipality near Bogotá, and was presented as 'killed in combat' a day later by the Armed Forces in Norte de Santander, a department on the border with the Bolivarian Republic of Venezuela. A similar case involved a child from Gamarra municipality, Cesar department in August 2008."*

Paragraph 117. *"According to Constitutional Court order No. 092 of April 2008, the impact of sexual violence against girls has increased. Perpetrators include illegal armed groups and members of the Armed Forces. The Attorney General's office has initiated investigations, and there have been a number of convictions as of December 2008."*

2. Report of the Secretary-General on children and armed conflict in Colombia (S/2009/434) (*underlining added*)

This report covers the period from January to December 2008 and provides information *on grave violations against children, such as killing and maiming, the recruitment and use of children in armed forces and groups, abduction of children, sexual violence against children, attacks on schools and hospitals, and denial of humanitarian access to children*. It stresses the priority of combating impunity for such grave violations.

Paragraph 12. *"Grave violations against children have been attributed to all parties, but mainly to illegal armed groups. Those groups continue to recruit children and commit crimes of sexual violence against women and girls, kill civilians, plant anti-personnel mines and carry out abductions. Violations by individual officials of the Colombian armed forces have also been reported, in clear contravention of Government policy."*

Paragraph 23. *"In 2006, the Committee on the Rights of the Child expressed its concern regarding the use of children for intelligence purposes by the national armed forces. The Ministry of Defense has issued three directives prohibiting all members of the national armed for[illegible] from using children for intelligence purposes; however, some incidents [illegible]inue to be documented. In February 2008, it was reported that the National Police had used a 12-year-old boy as an informant in the department of Valle del Cuaca. Later, the boy received death threats from FARC-EP and was eventually killed by an unidentified assailant in December 2008."*

Paragraph 33. *"Anti-personnel mines and unexploded ordnance have had serious consequences on the civilian population, including children. According to the Landmine Monitor Report of 2007, the number of casualties resulting from explosive remnants of war in Colombia was the highest in the world from 2005 to 2007. The Presidential Programme for Integrated Mine Action reports a cumulative total of 7,515 victims from 1990 to 2008, including 722 children. According to the same source, in 2008, 14 children (4 girls and 10 boys) were killed and 32 (5 girls and 27 boys) were wounded by such devices. In January, in the municipality of Palmira, department of Valle del Cuaca, a woman and her 9-month-old daughter died when they stepped on an anti-personnel mine. The woman was five months pregnant. In June, in the municipality Samaniego, department of Nariño, three boys*

aged 12, 14 and 16 died when they accidentally activated an anti-personnel mine. In July, in the department of Bolivar, three children were seriously injured, including a 9-year-old girl, who lost her leg."

Paragraph 39. *"According to information provided by the Instituto Nacional de Medicina Legal y Ciencas Forenses, 5 girls and 3 boys were the victims of sexual violence allegedly perpetrated by the national military forces, and 18 girls and 1 boy were allegedly victimized by the national police during the reporting period. Information has also been gathered on a case in which two soldiers allegedly raped a woman and her 13-year-old niece in the department of Antioquia in November 2008."*

Paragraph 42. *"Children also continue to be victims of enforced disappearances. Since 2006, the Attorney-General's Office located in clandestine graves the bodies of 109 children, mainly victims of paramilitary groups. In addition, the Attorney-General's Office is investigating 1,636 cases of children who have disappeared since 2000, 187 of which took place in 2008."*

Paragraph 48. *"Restrictions of humanitarian access owing to the actions of parties to the conflict jeopardize the delivery of humanitarian assistance, thus affecting children. The presence of anti-personnel mines and unexploded ordnance seriously hampers not only the movement of populations but also the access of humanitarian actors to those populations."*

Paragraph 49. *"Attacks against humanitarian personnel also took place during the reporting period. According to the International Committee of the Red Cross, attacks on medical missions increased from 23 cases in 2007 to 35 cases in 2008."*

Paragraph 50. *"Clashes between illegal armed groups and the national armed forces also restrict humanitarian access and the supply of essential goods."*

Paragraph 51. *"Information was also received on access restrictions imposed by the national armed forces to certain villages or municipalities, including for the movement of persons and goods, such as food, medicine and fuel, as part of a strategy to combat illegal armed groups. For example, since January 2008, the national armed forces have limited the passage of essential goods to various villages in the municipality of El Dovio, department of Valle del Cauca. Similar restrictions were confirmed by the Office of the Human Rights Ombudsman in the department of Vaupés in May 2008."*

The Government of the Bolivarian Republic of Venezuela would like to point out that **the Colombian Government openly and specifically threatened international peace and security in flagrant contradiction of the principle of international law outlined in Article 2, paragraph 4 of the Charter of the United Nations** which states that Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations. It did so in March 2008 when it carried out an armed incursion into the territory of the Republic of Ecuador, thereby violating the territorial integrity of that sister nation.

This illegal action highlighted the war policy pursued by the Government of President Álvaro Uribe, which has made the notion of pre-emptive strike — advocated by former President George W. Bush — a cornerstone of his security and defence policy.

The countries of the region, including the Bolivarian Republic of Venezuela, condemned the Colombian military aggression against the Republic of Ecuador as a flagrant violation of the norms and principles of international law, and also of General Assembly resolution 2625 (XXV) entitled "*Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*". Ecuador's report concerning the violation of its sovereignty and territorial integrity can be found in document S/2006/148.

The unanimous condemnation of that military incursion forced President Uribe, in a public and official act of contrition in the context of the XX Summit of the Rio Group, held in Santo Domingo, Dominican Republic, on 7 March 2008, to promise that his country would not engage in any warlike military action against any country on the American continent. The members of that Group took note of the full apology offered by the Colombian Head of State to the Government and people of Ecuador for the violation of that sister nation's territory and sovereignty by Colombian military forces.

The climate of confidence in the region which was returning to the region following the arrangements made at that Summit was then shaken by the announcement and subsequent signing of the Supplemental Agreement for Cooperation and Technical Assistance in Defense and Security between the United States of America and the Republic of Colombia regarding the establishment of seven US military bases in Colombian territory. The plans to deploy US forces in Colombia in the context of that cooperation agreement has raised legitimate concerns among members of UNASUR, and they have warned of the risks and threats that this poses to peace, stability and military balance in the region.

According to a perverse logic, President Álvaro Uribe and his team are seeking to hand over responsibility for managing the armed conflict to other neighbouring States, such as Venezuela, which, as we have pointed out, is a victim of the drug trafficking, paramilitary activities, paid assassinations and kidnappings generated by the escalation of hostilities with armed groups within Colombian territory.

As is well known, by giving priority to the security of urban areas — primarily the large cities — the Colombian State has given up guarding and protecting its borders; armed groups have taken advantage of this situation and now exercise control over these areas and carry out criminal activities which are affecting other countries.

It is being claimed — by way of justification — that this wide and disproportionate US military deployment on Colombian soil — that it is a bilateral effort to counter drug trafficking and terrorism. This is not true and it does not dispel the doubts and concerns that the countries of the South American region have concerning these military bases; the latter are seen as a threat, due to the size of the programme to be implemented and the installation of equipment for electronic warfare, military personnel and security contractors. The increased US military presence is designed to project the global power of the United States so as to deter,

under threat of military intervention, countries that are critical of its imperialist policies.

These strategic guidelines are reiterated in the document justifying the financing of the proposed US Air Force military base in Palanquero; US$ 46,000,000 was requested and was approved in May 2009. The funds are to be used for a "Cooperative Security Location" and to improve facilities at Palanquero. The item is included in the chapter "Positioning of global defence" which explains US strategy for placing military personnel and bases abroad.

The US Air Force document concerning the military construction programme, dated May 2009, cites as some of the justifications presented to Congress the following:

> *"... It will improve America's ability to respond quickly to a crisis, ensuring regional access and U.S. military presence at a low cost. This presence will also increase our capability to conduct Intelligence, Surveillance and Reconnaissance (ISR), improve global reach, support logistic requirements, improve partnerships, improve theatre security cooperation and expand expeditionary warfare capability.*
>
> *"... The strong security cooperation relationship also offers an opportunity for conducting full spectrum operations throughout South America. (...) The intent is to leverage existing infrastructure to the maximum extent possible, improve the U.S. ability to respond rapidly to crisis, and assure regional access and presence at minimum cost. Palanquero supports the mobility mission by providing access to the entire South American continent with the exception of the Cape Horn region."*

Whereas to what Colombia claims that the military path — including unrestricted access to bases by the US military — will inevitably lead to an end to the armed conflict, the Venezuelan Government believes, on the contrary, that intensification of military operations will lead to greater armed violence and may result in a diaspora of displaced Colombians to many countries, particularly to neighbouring States.

The accusation that Venezuela is building up its arms could not be more untrue. Only 1.1 per cent of Venezuela's gross domestic product goes to modernizing military equipment — less than the regional average of 1.7 per cent and significantly less than Colombia's 5.7 per cent. By contrast, in 2010 Venezuela will use 45.7 per cent of the nation's budget for social investments, poverty reduction and improving the quality of life of its people. Venezuela has already exceeded the millennium goal of reduction of extreme poverty and, according to the Economic Commission for Latin America and the Caribbean (ECLAC) it has done more than any other country in the region to reduce inequality.

Conscious of the fact that peace in Colombia means peace in Latin America, as President Hugo Chávez Frías said, the Venezuelan Government has reiterated the need for a negotiated political solution that will put an end to the armed conflict which has claimed a great many victims over more than four decades.

In the context of his aggressive preachings, the Government of President Álvaro Uribe views that country's security in absolute terms; this, of course, creates insecurity for all neighbouring States. The establishment of US military bases in

Colombia — added to the steady military assistance the US has been providing since 2001 — has accentuated security problems in the region and has created imbalances in the correlation of forces at the subregional level as a result of the arms race started by the authorities of Nariño Palace with the support of the US Government.

For this reason, the Government of the Bolivarian Republic of Venezuela, after reiterating its commitment to peace and its unlimited respect for the principles and norms of international law governing friendly and cooperative relations between States, contained in the Charter of the United Nations and other applicable instruments, wishes to point out that it will continue to keep an eye on the course of the armed conflict in the Republic of Colombia and the consequences that establishing foreign military bases in that country may have for Venezuela's — and the region's — security, and will take whatever steps may be necessary, within the legitimately established legal order and with complete respect for the Constitution of the Bolivarian Republic of Venezuela, to safeguard the nation's security, peace and the well-being of the Venezuelan people.

Given that, for the reasons outlined above, we believe the Colombian armed conflict to be a serious threat to international peace and security, I should like to request that this item be placed on the Security Council's agenda. I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Nicolas **Maduro Moros**

Annex 1

Report of the Secretary-General (S/2007/643) 2007

Country	*Number of internally displaced persons*	*Observations*
Iraq	2 200 000	On the Security Council's agenda
Sudan/Darfur	2 200 000	On the Security Council's agenda
Colombia	**2 100 000**	**Not on the Security Council's agenda**
Somalia	1 200 000	On the Security Council's agenda
Central African Republic	300 000	On the Security Council's agenda
Chad	170 000	On the Security Council's agenda
Afghanistan	44 000	On the Security Council's agenda

Source: Prepared on the basis of the figures presented in document S/2007/643.

United Nations S/2009/609

Security Council

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Report of the Secretary-General on the United Nations operation in Cyprus

I. Introduction

1. The present report on the United Nations operation in Cyprus covers developments from 11 May to 20 November 2009 and brings up to date the record of activities carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) pursuant to Security Council resolution 186 (1964) and subsequent Council resolutions, most recently resolution 1873 (2009). The activities of my mission of good offices in Cyprus are covered separately in my report S/2009/610 dated 30 November 2009.

2. As at 31 October, the strength of the military component of UNFICYP stood at 858, including all ranks, and the strength of the police component stood at 69 (see annex).

II. Activities of the Force

A. Prevention of a recurrence of fighting and the maintenance of the military status quo

3. The main focus of UNFICYP activities has been to maintain the stability of the buffer zone and to contribute to the overall mission effort in support of the peace process. The opposing forces have cooperated very well with UNFICYP military forces and the situation in the buffer zone has remained stable. The UNFICYP military chain of command maintained good relationships with their counterparts from both of the opposing forces. An additional mechanism, whereby a summary of their own violations is provided by UNFICYP directly to their respective headquarters on a monthly basis, has facilitated remedial action.

4. Military violations by the opposing forces during the current reporting period were at comparable levels. This was attributable to a reduction in violations by the Turkish Forces following the positive approach taken by them in recent months. Despite a significant relaxation of restrictions placed on the movement of UNFICYP military personnel, the continued restriction on the movement of locally employed United Nations civilian personnel imposed by the Turkish Forces/Turkish Cypriot Security Forces remains a concern. The number of violations by the National Guard

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would have been reduced markedly if not for incidents of bayonet fixing by soldiers in observation posts along the buffer zone. In June 2009, the National Guard was responsible for an overmanning violation that subsequently developed into a serious incident in which two UNFICYP mobile patrols were threatened with weapons and detained. This incident was subsequently remedied by the prompt intervention of the respective Military Observation and Liaison Officers, resulting in the immediate release of the UNFICYP personnel.

5. The opposing forces continue sporadically to employ low-level tactical measures which provoke reactions from the other side, mostly in the centre of Nicosia. UNFICYP remains optimistic that the military confidence-building measures it has proposed, such as the unmanning and/or closing of observation posts in areas where opposing troops are particularly close to one another and agreements for future demining activities, would help improve the situation. To date, the National Guard has agreed to these measures but, as mentioned in my previous report (S/2009/248), UNFICYP is still waiting for concrete steps to be taken by the Turkish Forces/Turkish Cypriot Security Forces, despite the letter sent to me by the leader of the Turkish Cypriot community, Mehmet Ali Talat, on 28 February 2008 indicating that military members of a confidence-building committee would be appointed. UNFICYP remains committed to reducing tension and military presence in the buffer zone through the implementation of confidence-building measures, with support from both sides.

6. In addition to its buffer zone stability tasks, the military component of UNFICYP has continued to support the peace process in other ways. This included the mobilization of the UNFICYP Mobile Force Reserve and the Force Military Police Unit in support of about 50 meetings held so far between the two leaders at the premises of the good offices mission in the United Nations Protected Area.

7. Both the National Guard and the Turkish Forces announced the cancellation of their major annual exercises, "Nikiforos" and "Toros", respectively. This was a welcome and important confidence-building measure, in line with the expectations of the current political process. This is the second year in succession that the exercises have been cancelled and it is hoped that such measures will help advance the political process. The opposing forces have continued to conduct low-level and familiarization training throughout the reporting period.

8. Positions established by the opposing forces in the Dherinia area in violation of the status quo, referred to in my previous reports (most recently S/2009/248 and S/2008/744), remain in place. The Turkish Forces retain the checkpoint in the Laroujina pocket. They have conducted regular inspections of the liaison post at Strovilia and have repeatedly overmanned the position in violation of the military status quo in the area. The Turkish Forces continue to impose tight controls on United Nations operations in the fenced area of Varosha. The United Nations holds the Government of Turkey responsible for the status quo in Varosha.

B. Mine action

9. Demining in the buffer zone is progressing well, with 57 of the 72 minefields cleared. A total of 14,000 mines have been destroyed and more than 7 square kilometres of land cleared of mines. A list of the remaining 15 minefields has been

submitted to the National Guard and Turkish Forces with a request for their release for clearance.

10. The Mine Action Centre Cyprus is looking into expanding its capacity by introducing a mechanical clearance team. The mechanical team would focus on the clearance of low-threat areas, allowing the manual teams to concentrate on high-threat areas. It is hoped that this would significantly increase the overall clearance rate and allow the complete demining of the buffer zone within 18 months.

11. On 28 October, a civilian contractor of the Mine Action Centre was killed in a demining accident, the demining group's first fatality in five years of operation on the island. The tragic accident happened in the buffer zone, some 10 kilometres south-east of Nicosia.

C. Restoration of normal conditions and humanitarian functions

12. Cypriots from both sides continued to seek assistance from UNFICYP in addressing day-to-day issues arising from the division of the island that affect their lives, including in relation to educational matters, the transfer of deceased individuals, and commemorative, religious and sociocultural gatherings. The mission continued to facilitate the normalization of conditions in the buffer zone and humanitarian assistance to the communities, as required.

13. During the reporting period, UNFICYP recorded approximately 928,200 crossings through the buffer zone, of which 205,100 occurred at the Ledra Street crossing point. Goods worth approximately €237,000 crossed from the south to the north, and goods worth approximately €2,982,000 crossed in the opposite direction. Both sides have agreed to proceed with the implementation of the joint project prepared by the two Nicosia municipalities under the Nicosia Master Plan for the restoration of buildings at Ledra Street. Work in that area is expected to commence soon.

14. On 26 June, an agreement was reached by the Greek Cypriot and Turkish Cypriot leaders on the opening of a buffer zone crossing at Limnitis/Yeşilirmak on the basis of modalities already in use at existing crossings. A first trial crossing by ambulances from both sides was facilitated by UNFICYP on 6 August. Technical surveys to determine the amount of work and funds that will be required to upgrade the road are currently under way. Meanwhile, the UNFICYP military engineering unit has enhanced the patrol track in this area of the buffer zone to a standard suitable for emergency use by civilian traffic in advance of the construction of a new road.

15. UNFICYP, in cooperation with international and local partners, facilitated 89 bicommunal events in which 4,472 people from both communities participated, coming together to promote the reunification of the island and support the ongoing negotiations between the leaders of the two communities. These events were held at the Ledra Palace Hotel and nearby locations in the buffer zone, which continue to be considered a neutral venue by both sides.

16. Regular meetings, which have been held for 20 years between Greek Cypriot and Turkish Cypriot political party leaders and representatives, continued to be held at the Ledra Palace Hotel under the auspices of the Embassy of Slovakia. On 25 October, the political parties in Cyprus participating in this forum for bicommunal dialogue

hosted a bicommunal concert in the mixed village of Pyla, in the buffer zone, which was attended by Mrs. Christofias and Mrs. Talat.

17. UNFICYP continued to deliver humanitarian assistance to Greek Cypriots and Maronites living in the northern part of the island. During the reporting period, UNFICYP conducted 63 humanitarian convoys and visits to 364 Greek Cypriots and 131 Maronites in the north. The requests made by 11 Greek Cypriot and 44 Maronite internally displaced families who wish to return to, and permanently reside in, the north are still pending owing to differences between the two sides over the eligibility criteria for permanent return. UNFICYP continued to facilitate the delivery of textbooks and the appointment of teachers to the elementary and secondary Greek Cypriot schools in Rizokarpaso, on the Karpas Peninsula in the north. At the time of reporting, 3 out of 12 teachers and other academic staff appointed by the Greek Cypriot side for the current academic year had been allowed to teach at the schools, while 8 had been denied permission and a decision in one case was still pending. In accordance with the usual practice, UNFICYP provided 205 textbooks for review to the authorities in the north, which did not allow the delivery of five of the books because of what they perceived as objectionable content.

18. UNFICYP also continued to assist Turkish Cypriots living in the south with obtaining identity documents, housing, welfare services, medical care, employment and education. In Limassol and Paphos, it continued to work with the local authorities and community representatives to strengthen its support in educational and social areas. There have been no new developments regarding the establishment of a Turkish-language primary school in Limassol.

19. Members of both communities continue to seek to use the buffer zone for various civilian activities, including farming, the maintenance of public and private infrastructure, construction and commercial ventures. Facilitation of those activities while ensuring stability and maintaining the status quo in the buffer zone remains one of the main challenges facing UNFICYP. Lack of adherence to UNFICYP procedures regarding civilian activities in the buffer zone and differences in the mapping of the buffer zone continued to pose problems in the implementation of the mandate of the mission. During the reporting period, UNFICYP held several meetings with representatives of both sides with the aim of resolving contentious issues in the buffer zone, and ultimately authorized 28 projects in the buffer zone out of 31 applications. These projects included construction of a residential and agricultural nature, as well as water extraction activities.

20. UNFICYP continued its efforts to assist in maintaining good relations and building confidence between the Greek Cypriot and Turkish Cypriot communities in the mixed village of Pyla in the buffer zone. To that end, UNFICYP continued to play a mediation role and to monitor long-standing arrangements established between the two communities. In May, the last in a series of bicommunal events involving children from the Greek Cypriot and Turkish Cypriot schools in Pyla were organized in cooperation with an international non-governmental organization. The planning process for a new programme of bicommunal activities for children, which was meant to coincide with the beginning of the new school year, was suspended in the absence of agreement between the sides. UNFICYP sought to facilitate dialogue between the two communities on this issue. The delicate bicommunal balance in Pyla requires regular direct communication at the local level in order to enable successful management of day-to-day affairs.

21. The Technical Committee on Cultural Heritage and its advisory board continued to discuss and plan for the preservation, protection and restoration of immovable cultural heritage on the island. The members of the committee participated in a clean-up operation for a mosque and a church, as a symbolic gesture of goodwill and cooperation. Both sides sought UNFICYP facilitation to access sites of religious and cultural significance. During the reporting period, UNFICYP facilitated 17 religious and commemorative events on the island, of which 12 involved crossing the buffer zone to the north, 2 involved crossing the buffer zone to the south and 3 were held in the buffer zone. A total of 4,747 individuals participated in these events.

22. On 8 August, 1,451 Turkish Cypriots travelled through the buffer zone in the area of Limnitis/Yeşilırmak in order to participate in an annual commemorative event in Kokkina/Erenkoy. On 2 September, 645 Greek Cypriot pilgrims were unable to cross through this area and attend a religious service at Saint Mamas church following a disagreement between the sides regarding crossing modalities.

23. Relations between UNFICYP and the police forces on both sides remained cooperative and constructive. UNFICYP continued to liaise with the two sides on law enforcement and issues related to crossings on humanitarian grounds. A mechanism was put in place following agreements reached by the two sides within the Technical Committee on Health, set up as part of the current peace process, which has facilitated medical evacuations across the buffer zone on humanitarian grounds. During the reporting period, UNFICYP facilitated four medical evacuations and the transfer of the remains of two Greek Cypriot individuals. UNFICYP also conducted 13 prison visits to 13 Turkish Cypriot inmates in the south and 4 visits to the one Greek Cypriot detained in the north. During the same period, 11 thefts, four cases of criminal damage, one case of harassment and one of domestic violence in the buffer zone were reported to the United Nations police for investigation.

24. The Technical Committee on Crime and Criminal Matters, which is facilitated by the United Nations police, met on 13 occasions during the reporting period. The cooperation between the two sides has been very encouraging. One of the agreements reached by the Committee was to open a joint communications room, staffed by representatives of the two sides. The joint communications room facilitates the exchange of information between the two sides on matters relating to crime and intelligence. This is the first formal arrangement of this type between the two sides.

III. Committee on Missing Persons in Cyprus

25. During the reporting period, the Committee on Missing Persons pursued its bicommunal project on the exhumation, identification and return of the remains of missing persons. By November 2009, the remains of 570 individuals had been exhumed on both sides of the buffer zone by the Committee's bicommunal teams of archaeologists. The remains of over 350 missing persons had undergone examination at the Committee's bicommunal anthropological laboratory in the United Nations Protected Area in Nicosia. After DNA genetic analysis had been carried out in 1,232 cases by a bicommunal team of scientists at the Cyprus Institute of Neurology and Genetics, the remains of 186 individuals were returned to their respective families.

IV. Financial and administrative aspects

26. The General Assembly, in its resolution 63/290 of 30 June 2009, appropriated the amount of $54.4 million for the maintenance of UNFICYP for the period from 1 July 2009 to 30 June 2010, inclusive of a voluntary contribution of one third of the net cost of the Force, equivalent to $17.3 million, from the Government of Cyprus and a voluntary contribution of $6.5 million from the Government of Greece. I invite other countries and organizations to do likewise, with a view to reducing the portion of the cost of UNFICYP covered by assessed contributions.

27. Should the Security Council decide to extend the mandate of UNFICYP for a further period of six months, the cost of maintaining the Force would be limited to the amount approved by the General Assembly.

28. As at 31 August 2009, the total outstanding assessed contributions to the special account for UNFICYP for the period from 16 June 1993 to 31 August 2009 amounted to $24.7 million. The total outstanding assessed contributions for all peacekeeping operations as at the same date amounted to $2,150 million.

29. Reimbursement of troop and contingent-owned equipment costs has been made for the periods up to 30 September 2008 and 30 June 2009, respectively, in accordance with the quarterly payment schedule.

V. Observations

30. During the reporting period, the situation in the buffer zone remained calm. The number of military violations has been comparable to that in the previous reporting period, while the opposing forces have demonstrated restraint and overall good cooperation with UNFICYP. Notwithstanding this, the consistent efforts of UNFICYP to advance discussions on military confidence-building measures have so far failed to produce positive results.

31. I note with satisfaction that the Turkish Forces/Turkish Cypriot Security Forces have lifted almost all restrictions on the movement of UNFICYP personnel. At the same time, I call for the urgent removal of the remaining restrictions on the movement of locally employed United Nations civilian personnel. Freedom of movement for all United Nations personnel is a matter for principle to the Organization and an operational requirement for UNFICYP.

32. Both communities continued to rely on UNFICYP civilian assistance in areas ranging from humanitarian and economic matters to a variety of bicommunal issues affecting the lives of Cypriots. UNFICYP worked closely with both communities on solving practical day-to-day issues, particularly in the buffer zone. I take this opportunity to commend both sides again for reaching an agreement on opening the Limnitis/Yeşilirmak crossing and to call for urgent implementation of stage two of the restoration of buildings at the Ledra Street crossing.

33. The mine clearing operation in the buffer zone is progressing steadily. However, the tragic accident on 28 October served as a reminder of the danger posed by the remaining minefields in Cyprus, both inside and outside the buffer zone. I urge both opposing forces to continue to cooperate closely with the United Nations to achieve a mine-free buffer zone as soon as possible.

34. I am pleased to report that the humanitarian work of the Committee on Missing Persons enjoyed broad political and public support during the reporting period, allowing the Committee to achieve further progress. I urge all parties concerned to make every effort to prevent the work of the Committee from being politicized and to take every possible action in order to further accelerate the exhumation process.

35. As I have mentioned before, the establishment of economic, social, cultural, sporting or similar ties and contacts will have a positive impact on the peace process. Such contacts would nurture a sentiment of trust between the communities and help ease the sense of isolation felt by the Turkish Cypriots. Further, greater economic and social parity between the sides will make the eventual reunification not only easier, but also more likely. In the context of an internationally sanctioned peace process, efforts in the opposite direction can only be counterproductive.

36. In response to the Council's request in resolution 1873 (2009) regarding contingency planning in relation to a settlement, although considerable progress has been achieved in the Cyprus talks, the two sides have not yet considered in depth the role which the United Nations would be expected to play in support of a settlement. It is, therefore, too early to be able to identify with confidence the parameters of the United Nations involvement in the context of a possible solution. Nonetheless, UNFICYP has initiated preparatory activities, based on a range of possible outcomes and scenarios, in the framework of contingency planning as requested by the Council. For the time being, such planning will continue to proceed in a flexible manner and be guided by the evolution in the talks and the views of the parties on the role they would like the United Nations to play in the implementation of an agreement.

37. It is my firm belief that UNFICYP continues to play a vital and unique role on the island, including in support of my good offices mission. I recommend, therefore, that the Security Council extend the mandate of the Force for six months, until 15 June 2010.

38. At the same time, in the light of the Security Council's calls and my earlier stated intention to keep all peacekeeping operations under review, I shall continually keep the operations of UNFICYP under close review, taking into account developments on the ground and the views of the parties, and shall revert to the Council with recommendations, as appropriate, for further adjustments to the UNFICYP mandate, force levels and concept of operations as soon as warranted.

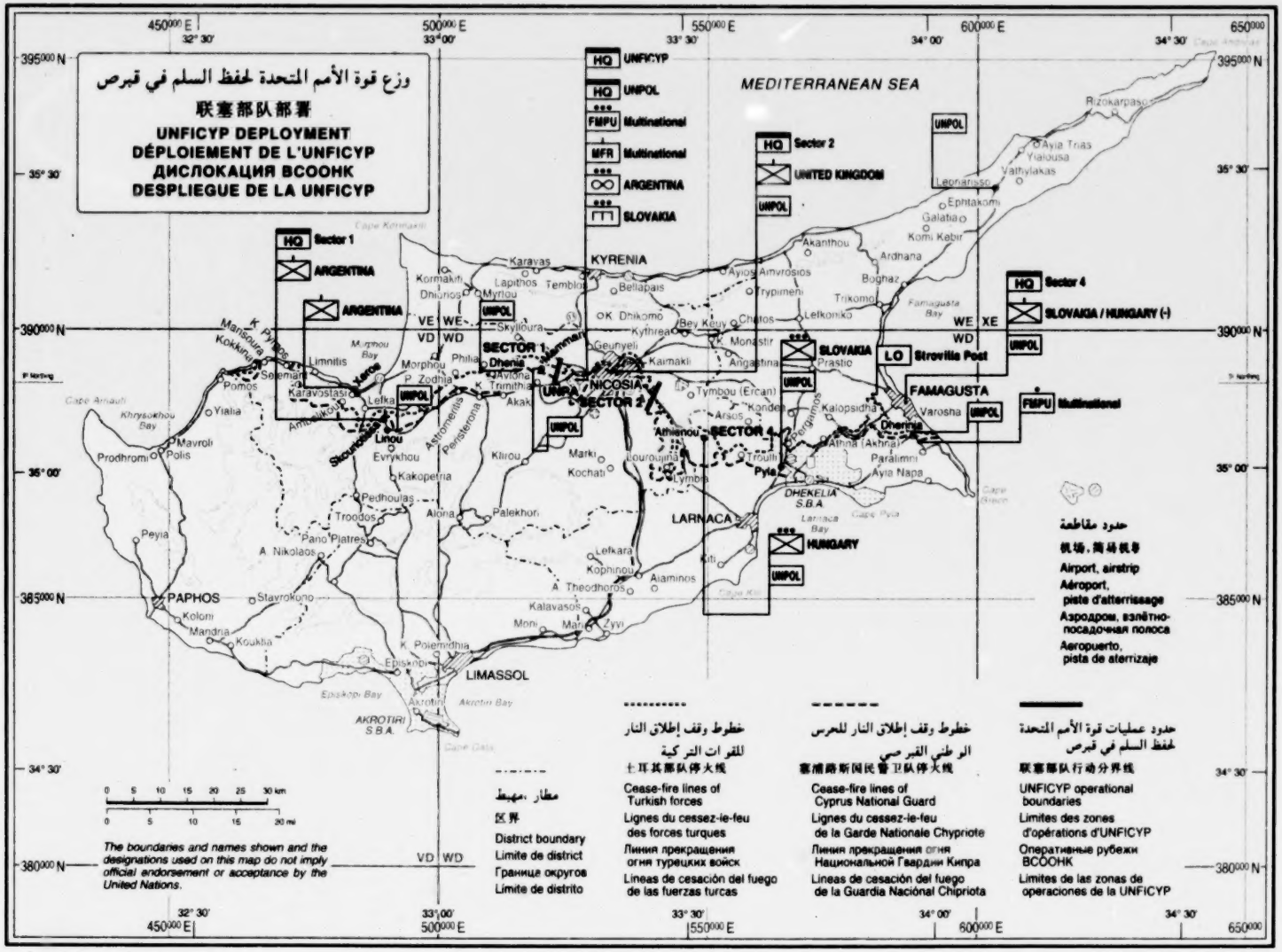
39. In conclusion, I wish to express my thanks to my Special Representative and Chief of Mission, Tayé-Brook Zerihoun, the Force Commander, Rear Admiral Mario César Sánchez Debernardi, and to the men and women serving in UNFICYP for the efficiency and commitment with which they have discharged the responsibilities entrusted to them by the Security Council.

Annex

Countries providing military and civilian police personnel (as at 31 October 2009)

Country	*Military personnel*
Argentina[a]	295
Austria	4
Canada	1
Hungary	84
Peru[b]	2
Slovakia[c]	200
United Kingdom of Great Britain and Northern Ireland	272
Total	**858**
	United Nations police
Australia	15
Bosnia and Herzegovina	3
Croatia	4
El Salvador	8
India	7
Italy	4
Ireland	18
Montenegro	1
Netherlands	7
Ukraine	2
Total	**69**

[a] The Argentinean contingent includes soldiers from Chile (15), Paraguay (14) and Brazil (1).
[b] Peru is using one vacant Canadian and one British post at UNFICYP headquarters.
[c] The Slovakian contingent includes soldiers from Croatia (4).



Map No. 2930 Rev. 68 UNITED NATIONS
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Report of the Secretary-General on his mission of good offices in Cyprus

I. Introduction

1. My previous report to the Security Council regarding the full-fledged negotiations between the Greek Cypriot and Turkish Cypriot leaders was contained in the report of the Secretary-General on the United Nations operation in Cyprus (S/2009/248), submitted to the Security Council on 15 May 2009, pursuant to Security Council resolution 186 (1964) and subsequent Council resolutions. The Security Council, in its most recent resolution 1873 (2009), adopted on 29 May 2009, welcomed the progress made in the negotiations and the prospect of further progress in the near future towards a comprehensive and durable settlement. The present report covers developments related to my good offices mission in Cyprus during the period from 10 May 2009 to 25 November 2009.

II. Background

2. The agreement of 21 March 2008 between the Greek Cypriot leader, Demetris Christofias, and the Turkish Cypriot leader, Mehmet Ali Talat, initiated the current round of negotiations. At their meeting on 23 May 2008, the two leaders reaffirmed their commitment to a bizonal, bicommunal federation with political equality, as defined by relevant Security Council resolutions. This partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status (see S/2008/353, annex III). On 1 July 2008, they discussed the issues of single sovereignty and citizenship, on which they agreed in principle.

3. A four-month preparatory period saw the establishment and functioning of six working groups to initiate a review of the key substantive chapters to be negotiated and seven technical committees to work on confidence-building measures aimed not only at improving the everyday lives of Cypriots, but also at encouraging and facilitating greater interaction among them. On 25 July 2008, having carried out their final review of the preparations made thus far, the leaders decided to launch full-fledged negotiations in September 2008, under my good offices. In a joint statement issued the same day, they stated: "The aim of the full-fledged negotiations is to find a mutually acceptable solution to the Cyprus problem which will safeguard

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the fundamental and legitimate rights and interests of Greek Cypriots and Turkish Cypriots. The agreed solution will be put to separate simultaneous referenda".

4. At the end of July 2008, the leaders initially announced 16 confidence-building measures agreed by the technical committees, relating mainly to the environment, health and cultural heritage. The number of agreed measures has since risen to 23, and four technical committees — namely, those on crime and criminal matters, cultural heritage, environment and health — have continued to meet.

5. Since the full-fledged negotiations began, on 3 September 2008, several papers have been produced by the leaders, their representatives and experts, setting out the positions of the two sides on the issues and indicating areas of convergence and divergence.

III. Work of the good offices

6. Since my previous report, my Special Adviser Mr. Alexander Downer has regularly visited the island to facilitate the negotiations between the parties. All of the meetings conducted either between the leaders or between their representatives during this period have taken place in the presence of my Special Adviser and/or my Special Representative Mr. Tayé-Brook Zerihoun. During his visits to Cyprus, my Special Adviser has also met separately with the leaders or their representatives on a regular basis, as well as with political party leaders, representatives of civil society, members of the business community and other prominent personalities, including religious figures, and representatives of a broad cross section of the communities in the north and the south, to hear their views and concerns.

7. Beyond his immediate office, my Special Adviser has engaged several international experts to provide him with focused advice on some of the more complex issues being discussed in the negotiations. During the reporting period, experts on governance and power-sharing and property visited the island on several occasions to meet with my Special Adviser and his team. They also met with the experts from the negotiating teams of both sides on their specific issues of focus.

8. In October, as part of the commitment of the European Union to providing technical support to the settlement process, Mr. José Manuel Barroso, President of the European Commission, appointed an official to act as a liaison between the Commission and my good offices mission in Cyprus.

9. Assessing the peace process under Security Council resolution 1325 (2000), a gender consultant engaged by the United Nations Development Programme (UNDP) interacted with a wide spectrum of civil society leaders, their representatives and members of the majority of the political parties in late October and early November. An initial assessment is pending, and project proposals aimed at enhancing the role of women in the peace process are anticipated for consideration by the parties.

10. During the reporting period, my Special Adviser also travelled to Beijing and Moscow to meet with the Minister for Foreign Affairs of China and the Deputy Minister for Foreign Affairs of the Russian Federation, respectively. In addition, he met with the Minister for Foreign Affairs of Greece and the Minister for Foreign Affairs of Turkey, as well as the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland. The

interlocutors reaffirmed their support for the peace process and expressed their commitment to assisting the parties in achieving a solution to the Cyprus problem.

11. Subsequent to my previous report, I had the opportunity to have separate meetings with Mr. Christofias and, later, with Mr. Talat, in New York in September 2009. At the meetings, I welcomed the commitment of both leaders to a solution and urged them to show flexibility and make compromises in the coming weeks and months. I reiterated that the United Nations would continue to do what it could to assist the two sides at their request and encouraged them to make full use of my good offices mission. I also had contacts on the Cyprus issue with other key interlocutors, including Prime Minister Recep Tayyip Erdoğan of Turkey, with whom I met in New York in September and in Rome in November, and the European Union Troika, with whom I met in New York in September 2009. In November, I had the opportunity to meet with the leadership of the newly elected Government of Greece, in particular, Prime Minister George Papandreou and Alternate Foreign Minister Dimitris Droutsas, during my official visit to that country. All expressed to me their desire for an expeditious solution to the Cyprus problem that would be acceptable to both sides.

IV. Progress of the talks

12. Since my previous report, the leaders have met 27 times and their representatives 24 times within the framework of the full-fledged negotiation process. In early August 2009, the leaders completed the first phase of the discussion of all six chapters: governance and power-sharing, property, European Union-related matters, economic matters, territory, and security and guarantees. During that phase, the leaders made steady progress, reaching agreement on a number of issues and gaining a better understanding of each other's positions on the remaining issues. This was important groundwork for the more intensive second phase, which began on 11 September 2009, a little more than a year after the launching of the full-fledged talks. The leaders have since increased the pace of the talks, deciding to aim to meet twice a week from October onwards and increasing the number of meetings between their representatives in the intervals between formal negotiating sessions.

13. In the first phase of the talks, considerable convergence was achieved in the areas of governance and power-sharing, the economy and EU matters, with more limited progress being made with regard to property, territory and security. As they had agreed, the leaders began the second phase by focusing on governance and, in particular, on the election of the executive, federal competencies and external relations. Notably, in the area of governance, progress has been achieved on several aspects. This chapter is considered to be among the most pivotal, because the question of how power will be shared between the communities is at the heart of the debate in all the chapters. Since the second phase began, five meetings between the leaders have been devoted to discussions related to governance and power-sharing issues. Both sides have introduced bridging proposals, but convergence has yet to be achieved. The sides have also established an expert group on treaties, which has begun to discuss the process whereby they will jointly decide which treaties will be applicable to a united Cyprus.

14. In late October, the leaders returned to the discussion of the property issue, and they have since held five meetings on that subject. They have also tasked their representatives with preparing the groundwork for fuller discussions on the issue. To date, the representatives have held five meetings to move forward on the issue of property.

V. Confidence-building measures

15. The four technical committees that are still functioning are meeting regularly and have made steady progress. The technical committee on crime and criminal matters has established a joint contact room for the exchange and provision of timely information on those topics. The technical committee on cultural heritage has established an advisory board for the preservation, physical protection and restoration of the immovable cultural heritage of Cyprus and is also implementing such measures as restoring two pilot projects, compiling a list of immovable cultural heritage and developing an educational computer programme. The technical committee on health matters has begun to implement the measure concerning the passage of ambulances through crossing points in cases of emergency. The technical committee on the environment has focused on the implementation of a joint awareness campaign aimed at saving water. UNDP has earmarked more than $600,000 to support such initiatives.

16. One of the concrete agreements on confidence-building measures reached by the leaders since my previous report has been the decision taken on 26 June 2009, following extended negotiations, to open a seventh crossing point between the communities and through the buffer zone to the north-west of the island, linking the villages of Limnitis/Yeşilırmak, in the north, and Kato Pyrgos, in the south.

VI. Observations

17. I am encouraged by the commitment, courage and determination shown by the two leaders despite the considerable challenges posed by the negotiations and the ongoing domestic criticism in the north and the south directed at the leaders and the process. It is important that both parties create a favourable environment and conditions conducive to the continued progress of the talks. In this regard, active participation and engagement on the part of civil society in the effort to achieve a solution and in its implementation will be crucial. Furthermore, the parties will have to be prepared to explain to the people in the clearest terms the benefits of a solution so that they can make an informed decision regarding the peace agreement.

18. In this context, it is noteworthy that, after the agreement was reached on nearly two dozen confidence-building measures during the preparatory phase of the talks, the parties made little progress in their implementation of some of those measures during the reporting period. The measures improve the daily lives of many Cypriots and also assist in facilitating increased interaction between the two communities. I urge the parties to make greater efforts to implement the confidence-building measures in order to strengthen intercommunal relations and to build greater public support within the communities for the process.

19. I commend the leaders for the progress achieved to date in the talks. There have been more than 50 meetings between the leaders since the current process began, and the meetings have been constructive. It is noteworthy that the gaps between the sides have narrowed on a number of important issues. However, differences remain, and it is clear that much work needs to be done in order to achieve full convergence. Implementing in practice the agreed objective of a bizonal, bicommunal federation with political equality in a united Cyprus in which the concerns of both parties are taken into account and that is, at the same time, functional and stable, is a considerable challenge. It is ambitious, but it is achievable.

20. It is encouraging to note that the leaders are focusing on the areas of divergence in the current round in order to narrow the gaps between their positions, and that they are actively producing bridging proposals. Those proposals have focused on the more controversial issues and have helped to bring the two positions closer together. Ultimately, the two sides must continue to demonstrate flexibility so as to accommodate each other's concerns, as no solution can be perfect for either side. At the same time, the process of negotiation should not be seen as a "zero-sum game", since both sides will gain in a united Cyprus.

21. My overall assessment is that the parties are making solid progress, and I am cautiously optimistic that a solution can be achieved. On the basis of what has been accomplished so far, the international community expects the talks to continue to make substantial progress in a timely fashion. The broad outline and established parameters of a solution are well known and already articulated by the two sides. There is a significant body of work upon which to draw, as there are already a number of joint papers that reflect their positions and that have served as the basis for discussions in the second phase. There is also a clear desire on the part of both sides to reach a settlement, as they have both asserted that the status quo is unacceptable. In addition, there is a general acknowledgement that the benefits of a solution for both sides would be huge, whereas the cost of failure could be high.

22. The negotiations are Cypriot-led, and the two sides have assumed responsibility for and ownership of the process. The pace at which the negotiations proceed will be determined by the two sides alone. I reaffirm the Organization's steadfast commitment to and support for the peace process under the leadership of my Special Adviser, and I stand ready to personally assist and facilitate the negotiations if requested to do so by the parties.

23. I urge both leaders to maintain their good personal and working relationship, which is vital for the success of the talks, and I urge other concerned parties to do their utmost to support them and the negotiation process. As the negotiations have moved into their second phase, the momentum needs to be maintained or even accelerated. The coming weeks and months will be decisive, as important decisions will have to be made. Given that the leaders of the two communities are committed to finding a solution to the Cyprus problem, this is a unique opportunity that must be seized by both sides. It is incumbent upon both leaders to meet the hopes and expectations of their people for a comprehensive and sustainable solution to the Cyprus problem within a reasonable time frame. And they should be accorded the political space to do so.

24. In conclusion, I wish to express my thanks to my Special Adviser, Mr. Alexander Downer, and to the men and women serving in my good offices

mission in Cyprus for the efficiency and commitment with which they have discharged the responsibilities entrusted to them by the Security Council.

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Sixth report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1858 (2008), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) until 31 December 2009, and requested me to keep it regularly informed of progress in the implementation of the resolution. It covers major developments in Burundi and the implementation of the mandate of BINUB since my last report of 22 May 2009 (S/2009/270), and also confirms the findings and recommendations of the electoral needs assessment mission conducted in July.

II. Major developments

A. Peace process

2. The period under review witnessed significant progress in the peace process, despite some residual tasks and remaining challenges. In late May, the Government issued several decrees nominating 24 Forces nationales de libération (FNL) leaders to civil service positions, including ambassadorial posts and governorships, in line with the Summit Declaration of the Heads of State and Governments of the Great Lakes Region of 4 December 2008. Among others, FNL Chairperson Agathon Rwasa was nominated as Director General of the National Social Security Institute, and the former FNL Secretary General as principal adviser in the military office of the President. However, nine out of 33 positions allocated to FNL are yet to be filled.

3. On 31 May, the mandate of the South African Facilitator, Charles Nqakula, ended. With the closing of the office of the Facilitation, the residual tasks for the disarmament, demobilization and reintegration process of FNL ex-combatants were handed over to the Government. Most of the 650 elements of the African Union Special Task Force withdrew. Some 100 elements from the Close Protection Unit, however, will remain in Burundi until 31 December 2009 to continue providing protection to some senior FNL leaders. It is expected that the protection of FNL leaders will then be entrusted to the joint FNL-Government protection unit. The successor mechanism to the South African Facilitation, the Partnership for Peace in Burundi, was established on 27 May to monitor continuing challenges to the peace

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process, which includes helping foster the FNL's transformation into a political party and its full integration into civilian and security institutions, while keeping regional leaders informed. The Partnership role also includes mobilizing regional States and the wider international community and proposing corrective measures, should problems arise. The Partnership is chaired by Ambassador Dumisani Kumalo of South Africa, and comprises representatives of the Political Directorate, the secretariat of the International Conference on the Great Lakes Region and BINUB, which also serves as its secretariat. Meanwhile, participating entities, including the Political Directorate, continued their work under their respective mandates.

4. The first meeting of the Partnership for Peace in Burundi, chaired by Ambassador Kumalo, was held on 13 July in Bujumbura to review progress regarding the accreditation of FNL as a political party, and the integration and training of 3,500 ex-FNL combatants into the national army and police. In its communiqué, the Partnership for Peace in Burundi urged the parties to fill the outstanding nine positions allocated to FNL and to accelerate the demobilization of 5,000 ex-combatants of Parti pour la libération du peuple Hutu (Palipehutu)-FNL, as well as the disengagement of 11,000 adults associated with the former rebel movement. It also called for the release of remaining former Palipehutu-FNL prisoners. The Partnership is scheduled to meet at the end of November to discuss the way forward when its mandate expires at the end of December.

B. Political developments

5. During the reporting period, political activity in Burundi was dominated by events related to the upcoming 2010 presidential, legislative and local elections. The Independent National Electoral Commission is operational and the legislative framework is in place.

6. On 29 May, international partners established a twin mechanism to coordinate international assistance for the elections. The Consultative Strategic Committee, chaired by my Executive Representative, serves as a forum to define strategic guidelines for international assistance and promotes an exchange of views and information among national and international stakeholders to ensure the smooth conduct of the electoral process. The Technical Coordination Committee, chaired by the United Nations Development Programme (UNDP) Country Director, coordinates international technical, logistical and financial assistance through the Independent National Electoral Commission and oversees the management of the basket fund established by UNDP. Both committees have been meeting regularly since July.

7. President Pierre Nkurunziza requested the United Nations, in a letter dated 11 May, to support the electoral process. Subsequently, I instructed the Under-Secretary-General for Political Affairs to field a needs assessment mission to Burundi. From 6 to 14 July, the needs assessment mission, which liaised closely with BINUB, consulted with a wide range of Burundian and international stakeholders, including the Independent National Electoral Commission, legislators, representatives of political parties, civil society and religious leaders, and members of the donor and diplomatic community. The purpose of the mission was to assess the status of the electoral preparations in order to develop recommendations on the electoral assistance the United Nations should provide.

8. The needs assessment mission determined that the existing conditions were generally propitious for the holding of credible elections in Burundi. One of the main indicators was that the Independent National Electoral Commission enjoyed the trust of the Government, all leaders of political parties and the civil society, and it was perceived as impartial and independent. Nevertheless, the operational needs of the Commission led the needs assessment mission to recommend the establishment of a United Nations electoral support programme through which the Commission would benefit from technical expertise and support in the planning and implementation of various electoral operations. The programme would be managed by the UNDP Office in Burundi, in close coordination with the Electoral Assistance Division of the Department of Political Affairs, and funded through the above-mentioned multi-donor basket fund. This assistance would aim at ensuring sustainability, knowledge transfer and national ownership.

9. In order to address the security concerns raised by most of the mission's interlocutors, the mission recommended that the Independent National Electoral Commission establish, in coordination with relevant ministries, a cell to advise the Commission on election-related security matters. Further, the mission recommended that sustained and concomitant support continue to be given to the Government's efforts aimed at addressing challenges, which is critical to ensuring the country's long-term stability, including the sustainable reintegration of returnees and former combatants, the alleviation of extreme poverty, and further improvements in the areas of security, human rights, justice and governance.

10. The needs assessment mission also recommended that, in the light of the logistical needs of the Independent National Electoral Commission, the tight electoral timeline, and the scope of the tasks ahead, BINUB be prepared to provide, if required, specific logistical support to the Commission at crucial phases of the electoral process, such as the transportation of polling materials in remote areas. Accordingly, the needs assessment mission recommended that BINUB current transportation and air assets be strengthened to allow the Mission to provide such support. In my letter of 3 September, I informed the President of the Security Council on the findings and recommendations of the electoral needs assessment mission.

11. The Independent National Electoral Commission commenced its activities, including the preparation of the electoral budget, in cooperation with the United Nations. It has made important progress in preparing a nationwide civic education campaign, which was launched by President Nkurunziza on 4 September. Civic education activities are continuing nationwide. Also on 4 September, the Minister of the Interior announced the establishment of an electoral department within that Ministry. Opposition parties expressed concern that this could lead to political interference in the activities of the Commission. However, in response, the Minister of the Interior gave public assurances that the Commission will remain in charge of the organization of the elections. On 5 November, the Commission appointed the members of the 17 independent provincial electoral commissions.

12. On 18 September, the Minister of External Relations and International Cooperation and the UNDP Country Director signed a project document outlining priority areas in the electoral process that need international support. The document was prepared in close consultation with relevant national and international partners. The Government committed to contribute $6.1 million to the estimated budget of

$43.7 million for the elections. In line with the recommendations of the needs assessment mission, the document also provides for the establishment of the UNDP-managed basket fund for donor contributions to the outstanding $37.6 million. To date, approximately $16.4 million have been pledged; however, funds actually made available amount only to some $2.7 million. If there is not a significant upsurge in funding, this could have an adverse impact on the preparations for the elections to be held next year.

13. During its ordinary session, the Parliament adopted 12 laws, the most important ones being the law on the National Commission for Land and Other Assets and the law on small arms and light weapons control. During an extraordinary session, the Parliament adopted five additional laws, including the revised electoral code, which was promulgated on 19 September. The Independent National Electoral Commission welcomed the adoption of the text, which reflected a consensus with regard to some controversial provisions, including on the sequencing of the polls (communal, presidential, legislative, senatorial and *collinaire*), the use of multiple ballot papers and the amount of the deposit for presidential candidates. The consensus was a result of a lengthy debate among the political parties represented in the Parliament. Throughout this process, the Consultative Strategic Committee, with the support of BINUB, advocated for an inclusive approach in revising the electoral code.

14. On 8 June, the Minister of the Interior accredited the Mouvement pour la solidarité et la démocratie (MSD) as a political party, bringing the number of political parties registered in Burundi to 43. Also during the reporting period, the party Union pour le progrès national (UPRONA) concluded its reunification process with the holding of a national congress, which elected a new party leadership.

15. Although the peace process was progressing relatively well, some strains have become apparent within FNL. On 28 August, a group of senior ex-FNL members was expelled by FNL Chairperson Agathon Rwasa. Those expelled held an "extraordinary congress" on 4 October in Bujumbura to elect a new leadership, claiming that Mr. Rwasa's three-year mandate had expired in 2007. The "congress" decided to remove FNL Chairperson Rwasa. Mr. Rwasa, echoed by opposition parties, strongly condemned the holding of the "congress", accusing the ruling Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of attempting to foment dissent within FNL and weakening it in advance of the 2010 elections. He also accused the ruling party, and its affiliated youth group, of attempting to intimidate FNL members, including through arrests and assassinations. During a press conference on 20 October, the Minister of the Interior distanced himself from the outcome of the "extraordinary congress", recognizing Mr. Rwasa as the legitimate leader of FNL.

16. The opposition parties continued to report attempts at intimidation by CNDD-FDD and restrictions on the freedom of assembly imposed by local authorities throughout the country. They also accused Radio Télévision Nationale du Burundi of being biased and criticized the continuing media coverage of CNDD-FDD activities while the activities of the opposition parties received less media coverage. In September, civil society groups called for closer collaboration between the media and civil society, with a view to encouraging transparency and public access to information during the electoral period, and deterring electoral fraud. On 3 October, different organizations of journalists and media professionals established, with the

support of BINUB, the Union of Burundian Journalists, which aims at protecting and promoting press freedom, including through the monitoring of violations of the rights of journalists.

17. On 7 October, the Government established by decree the Permanent Forum for Dialogue among accredited political parties. The Forum is aimed at strengthening the political party system and promoting dialogue on issues of national interest.

18. The Under-Secretary-General for Political Affairs, B. Lynn Pascoe, visited Burundi on 19 and 20 October to consult with national and international stakeholders on the situation in the country, in particular with regard to the preparations of the 2010 elections. The Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, who visited Burundi on 3 November, as part of a stock-taking mission to the Great Lakes region, reviewed BINUB operations and efforts undertaken by the United Nations in the area of strategic and programmatic integration.

C. Security situation

19. The security situation in Burundi was stable during the period under review, particularly in the north-western provinces owing to the gradual withdrawal of FNL elements from pre-assembly and assembly sites in those areas, and to the significant progress in the disarmament and demobilization process. The above notwithstanding, there has been a worrisome increase in overall criminality throughout the country, particularly armed violence, with an uptrend noted in residential attacks, armed robberies, killings and ambushes, as well as sexual violence.

20. The persistent insecurity can be attributed, generally, to several factors, including the prevalence of small arms and light weapons, conflicts over land, and the limited socio-economic reintegration opportunities for demobilized soldiers and ex-combatants, returning refugees, the displaced and other vulnerable groups.

21. Burundi remains under security phase III. The investigation by the national authorities into grenade attacks against United Nations staff in July 2008 did not progress during the reporting period. Unauthorized demonstrations, mostly peaceful, by individuals claiming to be former ONUB personnel seeking compensation or re-employment continued during the reporting period. During a protest on 9 November, stones were thrown at a United Nations vehicle, breaking a window and injuring one national staff member.

D. Regional aspects

22. On 7 July, Burundi officially joined the East African Community Customs Union comprising the United Republic of Tanzania, Rwanda, Uganda and Kenya, and adopted its common external tariff. This also led to the introduction of a value-added tax replacing a transaction tax. Other reforms are under way to help Burundi further benefit from this regional partnership.

23. Following media reports alleging the presence of elements from the Forces démocratiques de libération du Rwanda (FDLR) in Burundi, BINUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC)

established a joint task team that met on 24 and 25 August in Bujumbura to look into the matter. The team met with a wide range of interlocutors, including from the relevant Burundian security services, and concluded that there was no concrete evidence of FDLR armed presence in Burundi.

24. On 5 and 6 November, the International Conference on the Great Lakes Region, held a round table conference in Bujumbura, with the support of the African Development Bank, to review remaining challenges in the Great Lakes region and initiate dialogue aimed at mobilizing required financial and technical resources to implement the Pact on Security, Stability and Development in the Great Lakes region. Participants pledged their continued political, logistical and financial support to the International Conference.

III. Activities related to the Peacebuilding Commission

25. The Peacebuilding Commission has continued to closely follow the situation in Burundi. Ambassador Peter Maurer, Permanent Representative of Switzerland to the United Nations in New York, was elected to chair the Burundi configuration of the Peacebuilding Commission on 29 June, replacing Ambassador Anders Lidén, Permanent Representative of Sweden to the United Nations in New York.

26. On 29 July, the Government submitted its third biannual progress report on the implementation of the Strategic Framework for Peacebuilding in Burundi. The report outlined the main challenges and included a set of recommendations taking into account the concerns of all relevant stakeholders. The Peacebuilding Commission welcomed the report and reaffirmed its commitment to support the upcoming 2010 elections, as well as the completion of the disarmament, demobilization and reintegration process and the long-term reintegration of ex-combatants, demobilized soldiers, returnees, internally displaced people and other groups affected by the war. It issued a series of new recommendations, while also identifying specific peace consolidation challenges, which included the reintegration of ex-combatants; the creation of an environment conducive to the conduct of free, fair, credible and peaceful elections; human rights violations, and high levels of unemployment and poverty. On 10 and 11 November, the Chairperson of the Burundi configuration of the Peacebuilding Commission paid a visit to Burundi to take stock of the progress in the implementation of the above-mentioned recommendations and the preparation of the national strategy regarding the socio-economic reintegration of conflict-affected populations, and to identify remaining gaps in international assistance to the electoral process.

27. The effectiveness of the Political Forum, the highest body of the Partners Coordination Group, has been increased in coordinating international assistance in the areas of peacebuilding and development. The Forum, which is co-chaired by the Government and BINUB, was instrumental in monitoring progress made in the implementation of the Strategic Framework and has become the local counterpart of the Peacebuilding Commission configuration on Burundi. Through dialogue with the Government, it ensures follow-up to the Peacebuilding Commission recommendations, in particular with regard to conditions for the 2010 elections.

IV. Peace consolidation challenges

A. Governance

28. BINUB pursued its activities in support of democratic governance institutions during the period under review, including the finalization of the "Cadres de Dialogue" project funded by the Peacebuilding Fund, the launching of public administration reform programmes and the strengthening of capacities of key parliamentary commissions. In particular, BINUB supported the third and final phase of the Dialogue project. This phase brought parliamentarians, political parties, civil society and the media together at the regional forums to assess progress made in the implementation of the project and its impact.

29. On 20 August, the Ministry of Civil Service initiated the preparation of the comprehensive public administration reform programme in line with the reform strategy paper adopted in March. This reform is expected to be completed by May 2010. A public administration sub-group, co-chaired by the Ministry of Civil Service and BINUB, has been established within the Partners Coordination Group to coordinate international support to the public administration reform programme.

30. BINUB continued to support the Parliament with a view to strengthening its administration. Efforts focussed on the legal capacity of key National Assembly commissions, particularly the Commission on Justice and Human Rights and the Commission on Finance, through the creation of a legal database that will provide and encourage access to laws and regulations within the commissions. This database is expected to be operational by June 2010.

31. As part of the Peacebuilding Fund project focussing on strengthening anti-corruption mechanisms, BINUB assisted the Government in equipping four new regional special anti-corruption police brigades, in addition to the four existing brigades. This initiative has also contributed to enhancing the efficiency of the Special Anti-Corruption Court this year, resulting in an increase of cases from 83 processed in 2008 to 106 in 2009. Overall, since anti-corruption legislation in Burundi has been enacted in 2006 and appropriate institutional mechanisms were established in 2007, 319 corruption cases have been brought before the court. Of these, 232 have been processed and concluded. The Ministry of Good Governance is preparing a comprehensive policy to fight corruption aimed at fostering synergies between different actors. On 26 October, the Burundian Ambassador to Kenya and the former Burundian ambassador to Italy were arrested on charges of embezzlement of funds.

32. During the reporting period, BINUB continued assisting the Ministry of the Interior in improving local public administration services through the building and rehabilitating of offices, as well as through enhancing the capacity of civil registration services. From July to September, 14 out of the 19 commune offices that were to be built or refurbished by BINUB with support from the Peacebuilding Fund, were officially handed over to local authorities. In addition, information and awareness-raising workshops on the decentralization process were held throughout the country.

B. Security sector reform

33. During the period under review, BINUB continued activities in support of the reform of the army, police and intelligence services. Two out of six security sector reform projects on civilian disarmament and support to the National Intelligence Services had been completed with the support of the Peacebuilding Fund at the end of October. The remaining projects are scheduled to close at the end of the year.

34. On 3 June, with BINUB assistance and the support of the Peacebuilding Fund, the National Intelligence Service opened its premises and some of the holding cells to the public, in a bid to change its image and perception. Also in June, the Service formally signed its official Code of Ethics, a product of collaboration with BINUB. In an effort to further professionalize the Service, BINUB, with support from the Peacebuilding Fund, launched procedural training with a focus on law and human rights for senior Service personnel. Comparable training for remaining ranks was launched in September and the programme was successfully completed in October. Furthermore, BINUB helped reinforce civilian oversight capacity by providing computers to the parliamentary Commission on Security and Defence.

35. BINUB continued to provide training to the police on gender-based violence, professional ethics, and the role of women in police service, as well as on the integration of former FNL combatants into the police. BINUB also continued, together with international partners, to build the capacities of the Burundian National Police, in particular with regard to security during the electoral process. In addition, 24,687 of an estimated total of 29,000 members of the national army have completed training in the areas of code of conduct, human rights, gender and HIV/AIDS, supported by the Peacebuilding Fund.

C. Disarmament, demobilization and reintegration

36. Significant progress was registered in the disarmament and demobilization of former FNL combatants. On 16 June, the World Bank approved a $15 million grant to the Government of Burundi to support the demobilization of caseloads signatory to the 2006 Comprehensive Ceasefire Agreement and those outside of the Agreement. Subsequently, the Technical Coordination Team successfully processed 4,950 FNL ex-combatants and 1,556 FNL dissidents at the Gitega demobilization centre. The African Union took over the responsibilities of monitoring the process and reporting to the Political Directorate. The African Union, BINUB and the World Bank continue to support the process towards its expected completion. With a view to coordinating the process, a Joint Operation Centre was established. It is chaired by the Technical Coordination Team with the support of the World Bank and is composed of representatives of the Government, FNL, the African Union and BINUB. Reintegration programmes for demobilized ex-combatants are expected to be launched in March 2010, following the completion of staggered return indemnity payments.

37. The last assembly area and the Gitega demobilization centre were officially closed on 10 and 15 August, respectively. Meanwhile, the Government commenced payment of the second instalment of return indemnity to demobilized ex-combatants in their communities. On 17 August, the Peace and Security Council of the African Union welcomed the successful conclusion of the demobilization process and

commended the Burundian parties to the peace process for the political will they have demonstrated. The Peace and Security Council also called on the international community to continue supporting Burundi in its efforts to consolidate peace and promote national reconciliation, as well as to assist in the socio-economic integration of former combatants.

38. Meanwhile, the process to assist some 11,000 adults associated with FNL combatants continued in pre-assembly areas with the support of BINUB and UNDP through a $2 million emergency basket fund. The first phase of the process was completed on 19 August, with a total of 9,138 men and 1,048 women being issued return kits and the first instalment of return assistance and transported to their home communities. The programme included the design and implementation of a gender sensitive approach, in the spirit of Security Council resolution 1325 (2000), and provided the option for women to open an account in a microfinance institution at no cost with a view to facilitating their reintegration into their communities. The process was successfully completed on 27 October, following payment of the second instalment of return assistance. To strengthen community reinsertion in the provinces with the highest concentration of adults associated with FNL, UNDP launched the Community Reconstruction Service, in coordination with the Government and international partners, including the Peacebuilding Fund. The project aims at creating job opportunities to reconstruct community infrastructure such as roads, bridges, schools, health centres and houses for vulnerable populations, and to support other community needs, including sanitation and the planting of trees.

39. BINUB and UNDP also continued to assist the Government in finalizing its national reintegration strategy aimed at providing sustainable economic incentives for ex-combatants and adults formerly associated with armed groups, the internally displaced, returnees and other vulnerable groups, with emphasis on civic education, social cohesion and reconciliation at the community level. The strategy is expected to address the durable community-based socio-economic reintegration of all demobilized combatants. Given the slow progress on critical issues such as land conflicts, national reconciliation and persisting insecurity at the national and regional levels, durable socio-economic reintegration of former combatants and returnees is vital and will help consolidate security and stability established so far.

D. Small arms

40. The Government and the United Nations continued to implement the 2004 Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. On 28 August, Parliament adopted the law on small arms, which provides for a two-month grace period for civilians to voluntarily remit illegal weapons to the Government. The national commission on civilian disarmament and combating the proliferation of small arms continued collecting weapons and launched the final stage of the voluntary civilian disarmament campaign in the last two weeks of October, following which illegal arms possession will be dealt with under the law. This coincides with the conclusion of the Peacebuilding Fund project in support of the voluntary civil disarmament process.

41. During the period under review, the Government destroyed over 800 small arms and light weapons and some 114,000 pieces of explosive ordnance with assistance from BINUB and UNDP and funding from Switzerland and the United States. In September, BINUB and UNDP completed the rehabilitation of two police armouries in Bujumbura Mairie, and continued to support national defence and security forces in developing arms marking, tracing, and storage and destruction capabilities. Training was provided for army officers to manage a computerized national database of military weapons, and similar training has commenced for the national police.

E. Human rights

42. The human rights situation, including impunity, continued to be a cause of serious concern. During the reporting period, BINUB observed an increase in restrictions of civil and political rights, in particular targeted violence and intimidation by authorities. The rights to freedom of expression, association and assembly have repeatedly been denied to opposition parties and civil society organizations. BINUB has received reports about members of the youth wing of the ruling CNDD-FDD party, the Imbonerakure, being involved in community patrols, guarding premises and accompanying public and police officials during arrest procedures, allegedly sanctioned by the authorities. Furthermore, cases of popular justice increased, due to, among other things, the limited effectiveness of the judicial system and the Burundian National Police.

43. In September and October, an ad hoc inter-ministerial commission revised the draft law on the establishment of a national independent human rights commission, with a view to better aligning its terms with the relevant international standards. The current version of the draft law raises concern as it provides the executive branch with the authority to appoint commissioners without parliamentary review. The draft law is yet to be considered by the Council of Ministers.

44. During the reporting period, the killing of Ernest Manirumva, Vice-President of the anti-corruption non-governmental organization Observators for the Struggle against Corruption and Economic Embezzlement (OLUCOME), remained a major concern for the Burundian public and the international community. In support of the police and judicial commissions of inquiry, a third commission was established on 2 October. To date, six arrests have been made and the case remains under investigation.

45. BINUB continued efforts aimed at promoting and protecting human rights. These included training for military, police and intelligence services and weekly forums for journalists, trade and civil society representatives. The Government, with the support of BINUB, held a three-day seminar from 25 to 27 August with a view to developing a national strategy and policy for human rights education. BINUB also supported the preparation of reports due under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights.

F. Transitional justice

46. With the support of the Peacebuilding Fund, national consultations on transitional justice mechanisms in Burundi began on 14 July, marking the first step towards the establishment of the mechanisms in accordance with the 2000 Arusha Agreement and Security Council resolution 1606 (2005). The process is led by the Tripartite Steering Committee, which comprises representatives of the Government, civil society and the United Nations. As of 6 November, consultations had been held in 13 of 17 provinces, with the turnout averaging 80 per cent. Consultations are expected to be completed by December, with the report to be finalized in March 2010. BINUB continued to conduct its campaigns to raise public awareness on transitional justice-related issues. Meanwhile, the United Nations and the Government agreed to postpone consultations on the modalities and time frames for the establishment of a truth and reconciliation commission and a special tribunal until after national consultations on these mechanisms have been completed.

G. Justice sector reform

47. Little progress has been made in the consolidation of the rule of law, in particular by strengthening the justice and corrections system, including the independence and the capacity of the judiciary. BINUB continued to receive several allegations of political interference in judicial decision-making processes of judges, including the threatening and transferring of judges dealing with sensitive cases. Contrary to the law, the recruitment of judges and prosecutors lacked a competitive examination process, and the Ministry of Justice has continued to make appointments without consulting the Superior Council of the Magistracy.

48. BINUB continued to assist the Government in strengthening the capacity of the justice and corrections system. Four workshops were held on court procedures for court clerks and court personnel. This brings the numbers of court personnel trained in 2009 to 240. BINUB also assisted the Government in its efforts to overhaul court registries and record keeping, develop a national training strategy, and translate the new penal code into the national language, Kirundi. In order to address the overcrowding of prisons and holding cells, BINUB assisted the implementation of a project to renovate seven prisons and supported the Government in developing a national prison strategy. Almost two thirds of Burundi's inmate population are in pretrial detention or being detained without charge.

H. Child protection

49. All children associated with armed groups have been released and united with their families. The community reintegration of these 626 children formerly associated with armed groups started in September. Eighty-four children have resumed formal education, and the others will be offered opportunities for either vocational training of their choice or access to income-generating activities. The programme will be funded by the World Bank.

50. Despite these positive developments, serious violations of children's rights continued to be reported and a climate of impunity for violators of children's rights

persists. The prevalence of sexual violence against children remains of great concern. Children continued to be detained in the same facilities as adults, and there are continuing reports of children being the victims of criminal acts.

51. Pursuant to Security Council resolution 1612 (2005), BINUB, UNICEF and other members of the Country Task Force on Monitoring and Reporting Grave Child Rights Violations continued to conduct capacity-building activities to address impunity for the violations of children's rights, including rape, maiming and illegal detention. The Task Force also continued to advocate for the efficient and sustainable community-based reintegration of children.

I. Media

52. During the period under review, BINUB, together with United Nations Educational, Scientific and Cultural Organization and national partners, continued activities aimed at building the capacity of media professionals. Training courses included basic journalistic skills training and lectures on media regulation, transitional justice, gender equality, ethics in journalism and the role of the media in the electoral process.

53. President Nkurunziza instituted the "Journalist of the Year" award on 19 June, aimed at promoting professionalism, and called on journalists to respect press law and ethics regardless of their political affiliations.

J. Gender

54. In the preparation of the 2010 electoral process, BINUB is providing support for the integration of a gender dimension into the electoral process, with a view to ensuring equal participation of women, men and vulnerable groups in the electoral process as candidates, voters and electoral workers. In collaboration with the United Nations Development Fund for Women, as well as national and international NGOs, BINUB is assisting the Independent National Electoral Commission and a network of women's organizations on elections with a view to developing a women's capacity-building programme. This includes the training of 51 trainers, a practical guide and other training materials for candidates. Gender-based violence remains a great concern. BINUB continued to support the Government in developing a sustainable national strategy to fight sexual and gender-based violence.

K. Humanitarian situation

55. Food insecurity remains an area of concern, despite an increase in food production. The Ministry of Agriculture and United Nations agencies indicated that some provinces, including Bubanza, Bururi, Cankuzo, Kayanza, Kirundo, Makamba, Rutana and Ruyigi, could be affected by acute food insecurity as a result of floods, drought, land conflicts, population influx (returnees), epidemics and market disruptions.

56. During the period under review, the repatriation of Burundian refugees continued, and by 31 October, 31,562 Burundian refugees had returned: 29,021 from the United Republic of Tanzania and 2,541 from other neighbouring countries,

bringing the total of Burundian refugees who have returned to the country since March 2002 to over 500,000. However, some 35,000 refugees remain in the Mtabila camp in the United Republic of Tanzania, which formally closed on 30 September. On 21 August, the Tripartite Commission comprising Burundi, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Republic of Tanzania met in Bujumbura to address the situation of Burundian refugees living in the United Republic of Tanzania. Participants observed that the pace of return of Burundian refugees was very slow owing to their concerns, which are related to socio-economic reintegration rather than to the security situation. The Tripartite Commission also expressed a wish that efforts aimed at encouraging voluntary repatriation among this remaining refugee group continue until the end of the year.

57. Following the joint decision of UNHCR and the Government of Burundi to consolidate a number of refugee camps in order to streamline protection and assistance, refugees, including Congolese Banyamulenge in the Gihinga camp, were encouraged to relocate to the Bwagiriza camp in Ruyigi Province. The majority of the refugees resisted efforts to relocate them and expressed their preference to return home instead. Despite the advice of UNHCR against a return at this time, a large number of refugees attempted to return to the Democratic Republic of the Congo. On 8 October, however, they were obliged to return to the camp after finding the border with the Democratic Republic of the Congo closed. A tripartite meeting is expected to take place before the end of the year to establish parameters for their return to the Democratic Republic of the Congo when conditions permit.

L. Socio-economic situation

58. In July, the International Monetary Fund (IMF) completed the second review of Burundi's economic performance under a programme supported by a three-year poverty reduction and growth facility arrangement. IMF commended the Government of Burundi for its strong performance in implementing the programme, and announced the disbursement of an additional $10.2 million, bringing the total disbursement under the programme to $30.7 million. As part of the second review, Burundi's growth forecast for 2009 was revised by decreasing it to 3.2 per cent, considering the impact of the global financial crisis on its economy, which particularly affected its coffee exports.

59. In August, the Government presented the revised 2009 budget to the Parliament for approval. The revised budget decreased revenue estimates for 2009 by 7.5 per cent, and increased expenditure estimates by 2.5 per cent, in line with the IMF review. The gap between revenues and expenditures will be covered by funds from the European Union, together with one-off rebates from the Common Market for Eastern and Southern Africa. The investment spending was reduced by 13 per cent, compared to the initial 2009 budget and the recurrent spending of Government ministries increased by 8 per cent.

60. On 30 September, President Nkurunziza issued a decree on increases in wages and salary scales for civil servants. This followed recurrent strikes by civil servants calling for salary increases. The Parliament adopted the law on the status of health workers during its extraordinary session, formalizing the outcome of negotiations

between the Government and health-care unions. However, the unions continued to strike, claiming that the law did not address their demands.

61. Pending a review of the current poverty reduction strategy and in an attempt to support the determination of the Government to move from a post-conflict economy to a productive development economy, the Government of Burundi, supported by the World Bank, organized on 26 and 27 October the first Consultative Group meeting in Paris aimed at helping the country to attract investment in sectors that generate economic development and equitable growth. Agriculture, energy, infrastructure and tourism are among the targeted sectors. BINUB had actively supported the World Bank and the Government before and during the meeting.

62. In the meantime, and pending the finalization of the national strategy on socio-economic reintegration of conflict-affected populations, the United Nations, under the leadership of my Representative, is spearheading an integrated pilot project to promote community recovery in the provinces most affected by war, including Bujumbura Rural, Bubanza and Cibitoke. The initiative is aimed at creating socio-economic opportunities for ex-combatants and other vulnerable groups to prevent them from joining gangs or armed groups in view of the upcoming elections.

V. Observations

63. During the period under review, FNL, the last rebel movement, disarmed and transformed itself into a political party, thus concluding in large part the last phase of the peace process. Despite some residual tasks and new challenges, the overall progress bodes well for the future of Burundi. In this regard, I wish to express my gratitude to the Regional Initiative for Peace, the South African Facilitation and the Partnership for Peace in Burundi, including the Political Directorate and the African Union, for helping bring about this positive outcome. The continued support and strong engagement of regional and international partners will be critical for ensuring that this achievement is irreversible.

64. I commend the Government of Burundi and the political parties for having risen above partisan differences and engaging in dialogue. I welcome the decision of the Government to provide a legal framework for the Permanent Forum for Dialogue. This mechanism, once operational, could serve as another space for political dialogue to resolve whatever differences that may arise before, during and after the electoral process.

65. It is primarily the responsibility of the Government and its national partners to create the propitious conditions for the elections. In this regard, I am encouraged by President Nkurunziza's repeated affirmation that these elections will be free, fair and peaceful. Political leaders should be commended for adopting an electoral code that enjoys wide consensus. I urge the Government and the political parties to continue their efforts to preserve the independence and credibility of the Independent National Electoral Commission.

66. I remain concerned about reports on restrictions to the freedom of assembly and expression of opposition parties imposed by local authorities. I am equally concerned by the reports on militant activities of youth groups allegedly associated with certain political parties that are generating fear and suspicion. I call on the

Government and the political leaders to remain vigilant and to take the necessary actions to put an end to these activities.

67. I remain deeply concerned about human rights abuses and the prevailing climate of impunity, including a number of serious crimes that remain unaddressed. In this regard, an early and just conclusion of the case involving the killing of the Vice-President of OLUCOME would be an important step in the right direction.

68. I wish to encourage the Government to persevere in its efforts to stem corruption. I also encourage it to pursue the structural reforms aimed at improving political, economic and administrative governance.

69. I am encouraged by the Government's decision to revise the draft law on the establishment of a national independent human rights commission in the light of the Paris Principles. I reiterate my call for the establishment of an independent and credible commission that is fully compliant with those Principles. In this regard, I wish to underscore the importance of establishing a transparent process for the appointment of commissioners that includes appropriate parliamentary oversight. BINUB continues to stand ready to support the commission and other recently established democratic institutions, which will enhance the capacity of Burundians to consolidate peace and promote the rule of law.

70. In the area of transitional justice, I wish to express my appreciation for the constructive role played by the Government as a partner within the Tripartite Steering Committee charged with overseeing the national consultations on the establishment of the twin mechanisms, namely the truth and reconciliation commission and the special tribunal. The transparent and inclusive processes that have so far guided the consultations will enhance the credibility of the outcome and its legitimacy as a basis for the next steps towards the establishment of the twin mechanisms. In this connection, the United Nations stands ready to resume, at the appropriate time, negotiations with the Burundian authorities with a view to reaching agreement on the remaining outstanding issues relating to the functioning of these mechanisms.

71. While the Government and its international partners have made encouraging efforts in the area of security by stemming the proliferation of small arms among civilian population, weak institutional capacity remains a serious constraint. Additional efforts aimed at professionalizing the police and strengthening the judiciary will be essential to sustain the achievements.

72. I am encouraged by the effective demobilization and reinsertion of FNL combatants, as well by the successful disengagement of adults and children associated with the movement. The longer-term socio-economic reintegration of former combatants, returnees and other vulnerable groups remains a challenge. Every effort must be made to ensure sustainable reintegration of these groups, in order to prevent them from becoming an added source of insecurity. I urge the international partners, particularly the Peacebuilding Commission, to stand ready to support the implementation of the Government's national reintegration strategy as soon as it has been finalized and endorsed in the appropriate forums.

73. Peace, justice and the rule of law cannot be sustained without development. I welcome the holding of the Consultative Group meeting of donors in Paris supported by the World Bank. I urge the international partners to continue to support

the Government efforts towards meeting the goals set in the poverty reduction strategy and the Millennium Development Goals.

74. I commend the Peacebuilding Commission for the effective partnership it has developed over the past three years with the Government and other national stakeholders. I appreciate the ongoing efforts of the Commission to help mobilize international support for the electoral process and the national strategy for socio-economic reintegration.

75. It is clear that so much has been achieved in Burundi in such a short time, considering where the country has come from. Yet the situation remains fragile. BINUB has played a commendable role in helping the Government meet its sovereign responsibilities in consolidating peace and laying the foundation for socio-economic recovery, particularly for those most affected by the conflict. Next year is crucial. Burundi must be assisted to ensure that the gains achieved so far are consolidated before, during and after the 2010 elections, so the country can continue on the path of national reconciliation, democratic and accountable governance, and development.

76. In the light of the above, I recommend that the mandate of BINUB be renewed for an additional year when it expires on 31 December 2009. The Government of Burundi concurs with this recommendation.

77. I would like to conclude by expressing my sincere gratitude to my Executive Representative, Youssef Mahmoud, and to all United Nations personnel for their dedication and tireless efforts to implement the mandate of BINUB in a truly integrated manner. My appreciation also goes to non-governmental organizations and bilateral and multilateral partners for their unwavering commitment and generous contributions to Burundi.

United Nations S/2009/612

Security Council

Distr.: General
1 December 2009

Original: English

Letter dated 25 November 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Integrated Mission in Timor-Leste (UNMIT) which was established by the Security Council in resolution 1704 (2006). Following the usual consultations, it is my intention to appoint Ameerah Haq (Bangladesh) as my Special Representative for Timor-Leste and Head of UNMIT, as from 28 December 2009.

Ms. Haq, who has been serving as my Deputy Special Representative for the Sudan as well as the United Nations Resident Coordinator and Humanitarian Coordinator in the Sudan since September 2007, will succeed Atul Khare (India), who will complete his assignment on 10 December 2009. I would like to express my appreciation for Mr. Khare's dedicated service and excellent leadership of UNMIT over the past three years, which was a period marking an important stage in Timor-Leste's recovery from the 2006 crisis and a return to normalcy following the deplorable events of 11 February 2008.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon

09-62765 (E) 011209

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United Nations S/2009/613

Security Council

Distr.: General
1 December 2009

Original: English

Letter dated 1 December 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 25 November 2009 (S/2009/612) concerning your intention to appoint Ms. Ameerah Haq (Bangladesh) as your Special Representative for Timor-Leste and Head of the United Nations Integrated Mission in Timor-Leste has been brought to the attention of the members of the Security Council. They take note of the intention contained in your letter.

(*Signed*) Michel **Kafando**
President of the Security Council

09-62771 (E) 011209

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United Nations S/2009/614

Security Council

Distr.: General
2 December 2009

Original: English

Identical letters dated 1 December 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write this letter of complaint regarding a series of attacks emanating from the Gaza Strip which is controlled by the Hamas terrorist organization.

On 13 November 2009, a rocket was launched from the Gaza Strip, and between 18 November 2009 and 24 November 2009 four additional rockets were fired from the Gaza Strip. Furthermore, on 16 November 2009, two mortar shells were fired from Gaza. All of these rockets and mortars landed in the Western Negev region of Israel adjacent to many small cities. While such attacks intentionally target Israeli civilians, no serious casualties or damage was sustained.

I wish to reiterate that in response to these armed attacks, and in exercise of its inherent right to self-defence under Article 51 of the Charter of the United Nations, Israel will take all necessary measures to protect its citizens from the threat of terrorism.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

09-62883 (E) 031209

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United Nations S/2009/615

Security Council

Distr.: General
2 December 2009
English
Original: French

Letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General

I have the honour to convey to you herewith the concept paper for the Security Council open debate on "Peace and security in Africa: Drug trafficking as a threat to international security", to be held on 8 December 2009 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Michel **Kafando**
Ambassador
Permanent Representative

09-62854 (E) 031209 031209

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Annex to the letter dated 30 November 2009 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General

[Original: English]

Concept paper by the Burkina Faso Presidency of the Security Council

Agenda item: Peace and security in Africa

Topic: Drug trafficking as a threat to international security

8 December 2009

During its Presidency of the Security Council in December 2009, Burkina Faso intends to organize, under the agenda item entitled "Peace and security in Africa", an open debate on "Drug trafficking as a threat to international security". The meeting is scheduled for 8 December 2009.

The main objectives of the debate are, on one hand, to raise awareness of the challenge posed to the international community by the increasing illicit cross-border and cross-regional drug trafficking and, on the other hand, to strengthen solidarity and cooperation in tackling this menace to international security.

The current extent of that scourge and its potential for destabilizing societies constitute genuine security risks in many countries and regions. In particular, the situation in African countries and Africa as a whole, which are already facing numerous challenges, is of great concern.

The reports of the United Nations Office on Drugs and Crime, as well as various reports and studies, indicate that:

- Drug trafficking has a direct and negative impact on security and public health
- There is a link between drug trafficking, conflicts, proliferation of small arms, money-laundering, transnational crime and terrorism financing; countries emerging from conflict are particularly vulnerable
- Production of opium poppy, which reached its highest level ever in 2007, poses a threat to the lives of millions of people around the world
- The level of cocaine trafficking and the resulting violence remain high
- Synthetic drugs, more accessible to the poorest, are now part of the drug trafficking problem
- In the global drugs trade, Africa has become not only a growing transit area, but also a consumption region

For these reasons, greater international cooperation is needed and urgent.

Important efforts have already been made by the international community in that regard, including the establishment of mechanisms for the control of narcotics and psychotropic substances.[1]

In 1998, the United Nations General Assembly held its twentieth special session on the world drug problem, which provided an opportunity to Member States to reaffirm their commitment to overcome this problem through domestic and international integrated and balanced strategies.

They resolved, in particular, to fight money-laundering linked to drug trafficking, and to eliminate or significantly reduce the illicit manufacture and trade in drugs.

For their part, regional and subregional organizations, particularly in Africa, have taken substantial initiatives to counter drug proliferation. In October 2008 for instance, the Economic Community of West African States organized in Praia a Ministerial Conference which adopted a political declaration and an action plan.

Notwithstanding all these efforts, results remain very modest and more needs to be done. Regions like Africa that were initially only transit points, have even become centres for the production and processing of drugs, and drug-manufacturing laboratories are proliferating.

Drug trafficking is therefore a serious threat to international security.

As a result, the Security Council, which has the primary responsibility for the maintenance of international peace and security, has an important role to play.

During the debate, delegations could, inter alia, address the following issues:

- The impact of drug trafficking on the socio-economic development of States and regions
- The link between drug trafficking, financing of conflict, organized transnational criminality, illicit arms trafficking and money-laundering
- The specific situation of some regions, including Africa, facing a continuous increase in the volume of trafficking, production and consumption
- The urgent need to strengthen international cooperation in eradicating this threat
- The strengthening of the international legal framework and the importance for all States to accede to international conventions
- The role of the Security Council
- The role of the United Nations Office on Drugs and Crime and the need to strengthen its capacities
- Coordination within the United Nations system
- The contribution of regional and subregional organizations
- The specific responsibilities of the producing, consumer and transit countries

[1] The Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol; the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, of 1988.

- The need to strengthen the capacities of States, as well as regional and subregional organizations and actors
- The role of the civil society and the private sector

Burkina Faso would like to propose a Presidential statement for adoption as the outcome of the debate.

United Nations S/2009/616

Security Council

Distr.: General
4 December 2009

Original: English

Letter dated 1 December 2009 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

I have the honour to write to you in your capacity as President of the Security Council for the month of December 2009 and to transmit herewith the final report of the meeting of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina held in Istanbul on 9 November 2009 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

09-63564 (E) 101209

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Annex to the letter dated 1 December 2009 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council

Final report of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina

Istanbul, 9 November 2009

1. The Organization of the Islamic Conference (OIC) Contact Group on Bosnia and Herzegovina met on 9 November 2009 at the ministerial level on the sidelines of the 25th meeting of the Standing Committee for Economic and Commercial Cooperation of OIC, held in Istanbul, Turkey.

2. The meeting was opened by His Excellency Professor Ekmeleddin Ihsanoglu, OIC Secretary General, and was briefed by His Excellency Mr. Haris Slajdzic, member of the Presidency of Bosnia and Herzegovina, on the current situation in Bosnia and Herzegovina. Other members of the Contact Group also addressed the meeting, at which they reiterated their continued support for the people and the Government of Bosnia and Herzegovina.

3. The OIC Contact Group further reiterated the OIC support to preserve the unity, territorial integrity, sovereignty and international personality of Bosnia and Herzegovina, within its internationally recognized borders, as a fully functional and self-sustainable State capable of carrying out its powers and fulfilling its international obligations without absolute blockade mechanisms, such as entity voting, as well as its multi-ethnic, multicultural and multireligious structure. The OIC Contact Group, in this respect, emphasized the importance of the decision-making powers of the Bosnia and Herzegovina legal structures for the proper functioning of the State and stresses the need to tackle any existing mechanisms that may hamper these powers, as part of the reform process.

4. The OIC Contact Group, as part of the international community, carefully monitoring the situation in Bosnia and Herzegovina and recalling the report of its previous meeting, which took place on 12 October 2009 in Ankara, reiterated its determination to contribute to the international efforts to ensure Bosnia and Herzegovina's advance towards integration with the European and Euro-Atlantic structures.

5. The meeting observed that the lack of implementation of some key elements of the Dayton Peace Agreement have been found to obstruct the process of the reconstruction, democratization and reintegration of the State of Bosnia and Herzegovina. The meeting expressed its concern that these violations, particularly relating to the right of the refugees to return, have solidified blockades and prevented the people of Bosnia and Herzegovina from rebuilding a multicultural society. The meeting stressed the need for more efforts and work to implement these elements and to fully respect other key aspects of Dayton, particularly regarding Bosnia and Herzegovina's rights over State property that had been confirmed in Dayton and subsequent international agreements. The OIC Contact Group called on the international community to take these issues into serious consideration as part of the constitutional reform process.

6. Since the 5+2 objectives and conditions (State and defence property, rule of law, financial adequacy, status of Brcko, signing of the Stabilization and Association Agreement with the European Union (EU), decision by the Peace Implementation Council on stable political situation) identified by the Peace Implementation Council at its February 2008 meeting for the closure of the Office of the High Representative have not been fully implemented and the constitutional reform package by the international community has not been endorsed by the Bosnia and Herzegovina stakeholders, the OIC Contact Group underlined that any early step for the transition from the Office of the High Representative to the EU Special Representation should be carefully considered to allow for the satisfactory functioning of the Bosnia and Herzegovina central State.

7. The OIC Contact Group underlined the importance of the rule of law as part of any settlement impacting on the future of the country and invites all local and international actors to focus on the need to fully implement the existing legal obligations when presenting solutions for the future.

8. The meeting reaffirmed that the role of the International Tribunal for the Former Yugoslavia in bringing justice to the region is of significant importance in preventing the recurrence of any tragic incidents in the future in this sensitive region.

9. The meeting called upon the OIC Secretary General to actively follow up on the situation in Bosnia and Herzegovina. The meeting also called upon OIC member States and OIC financial institutions to contribute generously to the OIC Trust Fund for the Return of the Displaced Persons in Bosnia and Herzegovina to enable the Fund to continue its reconstruction and development activities in Bosnia and Herzegovina.

10. The meeting expressed once again its appreciation to the Government of the Republic of Turkey and the Minister for Foreign Affairs, His Excellency Mr. Ahmet Davutoğlu, for the active engagement of Turkey in Bosnia and Herzegovina and its active and vocal participation on behalf of the OIC Contact Group in the Peace Implementation Council Steering Board proceedings.

11. The meeting expressed its thanks and appreciation to the OIC Secretary General for having reactivated the OIC Contact Group on Bosnia and Herzegovina and called for the regular convening of the Contact Group to continue OIC support for the Bosnian people.

12. The meeting suggested that the next session of the OIC Contact Group on Bosnia and Herzegovina be convened at the ambassadorial level in Sarajevo.

United Nations S/2009/617

Security Council

Distr.: General
7 December 2009

Original: English

Letter dated 1 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Saint Vincent and the Grenadines submitted pursuant to Security Council resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

09-63546 (E) 281209

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Annex

Note verbale dated 11 November 2009 from the Permanent Mission of Saint Vincent and the Grenadines to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Saint Vincent and the Grenadines to the United Nations presents its compliments to the Permanent Mission of the Republic of Croatia to the United Nations, in its capacity as Chair of the Counter-Terrorism Committee, and has the honour to transmit the attached report pursuant to Security Council resolution 1624 (2005) (see enclosure).

Enclosure

Report of Saint Vincent and the Grenadines in respect of the implementation of Security Council resolution 1624 (2005)

Prohibiting by law and preventing incitement to commit a terrorist act or acts

In keeping with its continuing efforts to fulfil its international obligations to combat terrorism, Saint Vincent and the Grenadines enacted the United Nations (Anti-Terrorism Measures) Act in 2002. The Act provides that a "terrorist act" means the use or threat of action which constitutes an offence within the scope of and as defined in one of the treaties listed in the Second Schedule; any other act intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in the hostilities in a situation of armed conflict when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

Section 6 of the Act states that any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who provides any form of support, active or passive, to any terrorist or any entity owned or controlled by any terrorist or to any entity acting on behalf of or at the direction of any terrorist by recruiting or assisting in the recruitment of persons; or supplying or assisting in the supply of weapons, commits an offence.

Under section 7 of this Act, a person guilty of the offences of providing or collecting of funds for terrorist acts, providing resources and services for benefit of terrorists, dealing with property of terrorists or supporting terrorists in other ways listed in the Act shall be liable on conviction based on indictment to imprisonment for a term not exceeding twenty years, to an unlimited fine or both; or on summary conviction to imprisonment for a term not exceeding five years, to a fine not exceeding $500,000 or both.

A person who incites another to commit a terrorist act or acts can be charged under section 22 of the Criminal Code, Cap. 124 of the 1990 Revised Laws of Saint Vincent and the Grenadines. This provides that the offence of incitement is committed when a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given. It is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled or in a different way, provided in either case that the facts constituting the offence actually committed are a probable consequence of the carrying out of the counsel.

Denying safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts

On 3 November 1993, Saint Vincent and the Grenadines acceded to the Convention relating to the Status of Refugees, which excludes individuals from asylum where there are serious reasons for considering that they have committed crimes against peace, war crimes or crimes against humanity or serious non-political crimes outside the country of refuge, or where there are serious reasons for considering that they have been guilty of acts contrary to the purposes and

principles of the United Nations. On 3 November 2003, Saint Vincent and the Grenadines also acceded to the Protocol relating to the Status of Refugees.

Additionally, section 4 of the Immigration (Restriction) Act, Cap. 78 of the 1990 Revised Laws of Saint Vincent and the Grenadines classifies certain persons as prohibited immigrants. Relevant to this resolution are the following definitions: The following persons, not belonging to Saint Vincent and the Grenadines, are defined as prohibited immigrants: any person who from information or advice received from any Government, whether Commonwealth or foreign, through official or diplomatic channels is deemed by the Governor-General to be an undesirable immigrant or visitor to Saint Vincent and the Grenadines; any person or class of persons deemed by the Governor-General on economic grounds or on account of standards or habits of life to be undesirable immigrants; any undesirable person. According to section 26 of this Act, any prohibited immigrant who knowingly and wilfully lands, or suffers himself to be landed, and any person who knowingly lands or procures to be landed, or who aids or assists in landing any prohibited immigrant, contrary to the provisions of the Act, is guilty of an offence.

Cooperation with other States in strengthening the security of international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures

Saint Vincent and the Grenadines has, since 1982, been a member of the Regional Security System (RSS), which is an international agreement for the defence and security of the eastern Caribbean region. The Regional Security System was created out of a need for collective response to security threats which were impacting on the stability of the region.

Additionally, the Conference of Heads of Government of the Caribbean Community (CARICOM), of which Saint Vincent and the Grenadines is a member, at its Twenty-Second Meeting, held in Nassau, the Bahamas in 2001, established a Regional Task Force on Crime and Security to examine the major causes of crime and to recommend approaches to deal with interrelated problems, illicit drugs and firearms, as well as terrorism. The establishment of the management framework, with the Caribbean Community Implementation Agency for Crime and Security (IMPACS), as the nerve centre enables continuity in the implementation of the regional crime and security agenda.

IMPACS was established by the Twenty-Seventh Meeting of the Conference of Heads of Government of CARICOM in July 2006. It was established as the implementation arm of a new regional architecture for the development and management of the CARICOM Regional Action Agenda on Crime and Security issues. The Agency reports to the CARICOM Council of Ministers responsible for National Security and Law Enforcement.

IMPACS has two sub-agencies, namely the Joint Regional Communications Centre (JRCC) and the Regional Intelligence Fusion Centre (RIFC). The JRCC is the central clearinghouse for Advanced Passenger Information (API). Advanced Passenger Information (API) is data provided to the Joint Regional Communications Centre (JRCC) prior to the arrival and departure of an aircraft or vessel at each port of entry in participating CARICOM Member States. It contains a complete list of

persons (crew and passengers) on board, including their biographic data and carrier information. The RIFC provides intelligence support to key stakeholders in an effort to detect, deter and control crime within the Region.

Saint Vincent and the Grenadines is also a member of the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States. CICTE coordinates efforts to assist OAS Member States to develop the capacity to prevent and defeat terrorism. CICTE's basic objectives, as set forth in the Commitment of Mar del Plata, are to: enhance the exchange of terror-related information among Member States, including the establishment of an Inter-American database on terrorism issues; assist Member States in drafting appropriate counter-terrorism legislation; compile bilateral, subregional, regional and multilateral counter-terrorism treaties and agreements signed by Member States; promote universal adherence to international counter-terrorism conventions; enhance border cooperation and travel documentation security measures; and develop activities for training and crisis management.

Furthermore, Saint Vincent and the Grenadines has ensured that all ports of entry are properly secured and are in compliance with international regulations and requirements. The State has updated customs procedures, documentation and registration and exchange control measures electronically, using the Automated System for Customs Data software (ASYCUDA) world system.

Security at the ports is a the partnership between the Port Police, the Royal Saint Vincent and the Grenadines Police Force, the Immigration Department, the Customs and Excise Department and the Royal Saint Vincent and the Grenadines Coast Guard, which is the Designated Authority.

The Coast Guard ensures International Ship and Port Security (ISPS) Code compliance and monitors the entry of foreign vessels in the waters of Saint Vincent and the Grenadines, through the National Marine Transportation Security Act (MTSA) and Regulations (MTSR) and through approval of Port Facilities Plans and Assessments.

The CARICOM Common Passport was introduced to provide better security within the region and is machine-readable. As a member of CARICOM, Saint Vincent and the Grenadines began issuing these passports in or around August 2005. After 31 July 2007, non-machine-readable passports were no longer valid.

Saint Vincent and the Grenadines also utilizes information gained through its membership in international organizations such as INTERPOL. Persons entering Saint Vincent and the Grenadines are subject to screening, using local, CARICOM, United Nations and INTERPOL watch lists. Similar procedures are applied to applicants for permanent residence and naturalization.

Participation in international efforts to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures

Saint Vincent and the Grenadines supports the Security Council's request for all States to enhance dialogue and broaden understanding among civilizations in order to prevent indiscriminate targeting of different religions and cultures. In February 2003, Saint Vincent and the Grenadines became a member of the Non-Aligned Movement. At the fourteenth Summit Conference of Heads of State or

Government of the Non-Aligned Movement, Saint Vincent and the Grenadines, as a member of the Movement, agreed to promote and preserve dialogue among civilizations, a culture of peace and inter-faith dialogue, which would contribute to peace and security, taking into account the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the Declaration on the Strengthening of International Security, and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

Steps to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters

There has been no evidence or information regarding incitement of terrorist acts or subversion of educational, cultural and religious institutions by terrorists in Saint Vincent and the Grenadines. However, the police and other relevant departments continue to be vigilant and take every possible measure to collect intelligence on acts of terrorism. The Constitution of Saint Vincent and the Grenadines provides for the fundamental human rights of all persons, regardless of their ethnic origin or race.

Ensuring that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all the obligations under international law, in particular international human rights law, refugee law, and humanitarian law

Saint Vincent and the Grenadines makes full efforts to ensure that all of the aforementioned measures comply with its obligations under international law. The Constitution of Saint Vincent and the Grenadines guarantees the fundamental rights of all persons in Saint Vincent and the Grenadines, and the breach by the State of any of the rights set forth in the Constitution may be challenged before the Courts.

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Security Council

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Letter dated 1 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lesotho submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ranko **Vilović**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

09-63639 (E) 301209

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Annex

Note verbale dated 30 November 2009 from the Permanent Mission of Lesotho to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Kingdom of Lesotho to the United Nations presents its compliments to the secretariat of the Counter-Terrorism Committee and has the honour to forward the report of Lesotho pursuant to Security Council resolutions 1373 (2001) and 1624 (2005) (see enclosure).

Enclosure

Letter dated 24 September 2009 from the Principal Secretary for Foreign Affairs and International Relations of Lesotho addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your letter dated 7 August 2009 addressed to the Permanent Representative of Lesotho to the United Nations and also to the videoconference that was held on 14 August 2009 between a team of Lesotho Government officials and the Executive Directorate of the Counter-Terrorism Committee pertaining to Lesotho's reporting obligations under resolutions 1373 (2001) and 1624 (2005).

I have the further honour to forward the report of Lesotho under the two resolutions (see attachment) and look forward to an even more fruitful interaction between Lesotho and the Committee in future. May I also take this opportunity to request on behalf of the Government of Lesotho training for our Inter-Ministerial Committee on Terrorism. I would also appreciate training that also involves reporting under resolution 1540 (2004), together with training on drafting terrorism legislation.

(*Signed*) J. T. **Metsing**
Principal Secretary for Foreign Affairs and International Relations

Attachment

Report on the implementation by Lesotho of Security Council resolution 1624 (2005)

In September 2005, the Security Council of the United Nations adopted resolution 1624 (2005), which calls on all States, among other things, to prevent and prohibit by law incitement to commit a terrorist act. We must point out at the outset that Lesotho is currently engaged in the exercise of developing new laws that can respond adequately to the challenges posed by terrorism. In the area of tackling the financing of terrorism, an anti-money-laundering legislation is already in place.

Regarding the law dealing with incitement to commit terrorist acts, it must be noted that there are pieces of legislation, namely, the Sedition Proclamation No. 44 of 1938, the Race Relations Act No. 9 of 2005 and the Internal Security Act, that could be relevant, although they were targeted at other instances of subversive activities and not necessarily at terrorism as it manifests itself nowadays.

Any discussion of the law in Lesotho relating to incitement to commit terrorist acts must be premised on our Bill of Rights, in particular on Section 14 of the Constitution, which guarantees the right of freedom of expression. This right is also enshrined in other regional and international human rights instruments to which Lesotho is a party. Section 14 (1) of the Lesotho Constitution stipulates that every person has the right to:

> "... freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence".

As is the case with other rights, it must be pointed out that the right is not absolute and can be limited in the interests of defence, public safety, public order, public morality or public health, etc. Limitations on the right are those that can be characterized as justifiable in a democratic society (see Sections 14 (2) and 14 (3) of the Constitution).

In the terrorism legislation that Lesotho is currently developing, there is already an awareness that the salient elements in resolution 1624 (2005) and other relevant resolutions will have to be reflected. This is so as there is awareness that issues of terrorism, extremism, conflict and violence are in ascendancy in the contemporary world and afflict countries and the rest of the world. While cultural influences are among the forces that can contribute to disrespect, misunderstanding and violence, they are not the only causal factors, nor are they immutable or irresistible. Indeed, much can be done to prevent the violence that may be thrust on us by promoters of belligerent agendas. For this we need a departure from old ways of thinking about the centrality and the alleged inviolability of cultural confrontations. The focus should be put instead on understanding the mechanisms through which violence is cultivated through advocacy and recruitment, and on the pre-existing inequalities, deprivations and humiliations on which those advocacies draw.

We have to distinguish between respecting persons (including, of course, their right to hold their own views) and indiscriminately respecting every doctrine held by anyone. Respecting people does not demand accepting their points of view, and a consensus to do something jointly, given the views that different people hold, does not demand that there must be unanimity of substantive views of different people.

Respect does, however, demand trying to understand the points of view of others and why they are held and appreciating the shared interest that people of diverse groups have in cultivating common objectives and finding common ground, such as peace and well-being.

Understanding implies the ability to grasp what someone else is saying in order to get to the heart of what they are trying to communicate. To do this requires a willingness to put aside one's own preconceived notions in order to appreciate their world view. Understanding, therefore, involves the acknowledgement that one's own culture and experience are not the only models for thinking and acting.

Like respect, understanding does not necessarily involve agreement with the views or beliefs others hold. A consensus to do something jointly, therefore, given the different views that people hold, is not preconditioned by the necessity of any unanimity of view. No one or nobody should hold a veto that requires subordination of all to a single view or belief.

It is these sorts of considerations that will go into the new legislation on terrorism in Lesotho, especially the chapter relating to the law on incitement to commit terrorist acts. So far Lesotho has been spared the presence of people who preach committing terrorist acts, but it is clear that laws have to be promulgated for when that eventuality comes. As is mandated by resolution 1624 (2005), such law on incitement, besides being within the parameters of the Lesotho Constitution, will also have to be consistent with Lesotho's obligations under international law, in particular international human rights law, refugee law and humanitarian law.